

Resolution to override veto concerning
Item: adopting the position of Property Coordinator.

Date: October 3, 2007

RECOMMENDED ACTION:

It is recommended the Council create the position of Property Coordinator

PROCEDURE:

Follow the procedure for a Resolution.

BACKGROUND:

The Charter provides the Mayor the ability to veto Council decision. It provides a process for Council's response to the veto.

"At the first meeting of the Council after the return by the Mayor of any ordinance or resolution not approved, the Finance Director shall present the same to the Council, with the written reasons of objections of the Mayor, all of which must be read to the Council, and such ordinance or resolution shall then be put upon its passage again, and if three-fourths of all members constituting the Council shall vote in favor of such ordinance or resolution, it shall thereupon become a law without the approval of the Mayor."

Resolution 5272 has been vetoed by the Mayor. His memo is attached and Resolution adopting the position of Property Coordinator was brought back to Council on September 19. At that meeting, Council voted not to override the veto and again voted to reconsider the resolution at the October 3 Council meeting. In order to override the veto, six members of the Council must vote in favor of the resolution.

The City purchases property for two main uses. The first is right of way for street projects. Currently, the City is working with over twenty property owners on Redwood Avenue to purchase the right of way for the road widening. The next major project will be the widening of West Park Street next year followed by the second half of Redwood Avenue and Hubbard Lane.

The purchase of right of way is governed by state law that is very specific about the process and requirements. In some cases, the purchase will involve condemnation which has even more rules associated.

The second type of purchase is for land for parks and facilities. It is anticipated that the City will become more active in this with the expansion of the urban growth boundary.

In addition to purchasing property, the city must manage the property files. This would include the development of a better system, the creation of a data base to be able to quickly provide information and then the maintenance of the system.

ITEM: 2.a. RESOLUTION TO OVERRIDE VETO CONCERNING ADOPTING THE
POSITION OF PROPERTY COORDINATOR.

In addition to purchasing land, there will be times when the City is the property owner who will be the applicant for a land use application. And finally, the City occasionally sells property.

In the past, the City has used the City Attorney as the primary staff responsible for all purchases. Knowing that this was over burdening the Attorney, the Staff requested proposals for firms able to purchase right of way. The City only received one proposal from a firm in Salem. The ratio of the cost for the contracting services to the cost of the land purchased was much higher than the Staff could recommend. The City has also contracted directly with a local attorney to assist with the purchase of right of way. This required tremendous staff support and was difficult to maintain the priority of the work.

The need to use Staff other than the City Attorney became even more apparent with the report from Judge Riggs. He recommended the City Attorney not be the property negotiator for the City.

The Staff now recommends the City hire a professional part time to provide these duties. The funding is in place to be able to add this part time position. Most of the funding (63%) is part of the capital project budgets. Each project that requires purchasing of right of way will pay for the services much like the project pays for the services of the engineers.

The second source would be capital projects which purchase land for parks. This is estimated to account for approximately 16% of the costs. The final portion (21%) would be the records management portion which would come from the legal budget and has been included in the FY '08 budget.

There are no changes in the bottom line of the capital budget or the legal operations budget. With Council approval, the Staff will advertise and fill the position as quickly as possible as a number of property purchases are necessary for currently budgeted projects.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council goal of **MANAGEMENT** by delivering the service of property purchases and property records management in an effective and cost effective manner.

COST IMPLICATION:

The new position will cost approximately \$95,500 per year for salary, benefits, and all overhead including office space, training and travel.

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS TO
OVERRIDE VETO CONCERNING CREATING THE POSITION OF PROPERTY
COORDINATOR AND AMENDING THE CLASSIFICATION PLAN.**

WHEREAS:

1. The City requires the assistance of trained personnel to purchase property for right of way necessary for capital infrastructure projects; and
2. The City requires the assistance of trained personnel to purchase property for parkland and facility use; and
3. The City requires the assistance of trained personnel to develop a property records system and maintain such a system; and
4. The City requires the assistance of trained professional personnel to sell property owned by the City; and
5. The City currently does not have a position which can fulfill these duties; and
6. The City budget includes the costs for the property services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the City Manager is authorized to amend the Classification Plan and create the position of Property Coordinator pursuant to Grants Pass City Charter, Chapter 5, Section 1, Subsection 3.

EFFECTIVE DATE of this Resolution shall be immediate upon its passage by the City Council without approval of the Mayor.

ADOPTED by the Council of the City of Grants Pass, Oregon, pursuant to Grants Pass City Charter, Chapter 5, Section 1, Subsection 3, in regular session this 3rd day of October, 2007.

ATTEST:

Administrative Services Director

Approved as to Form, Kris Woodburn, City Attorney KLW

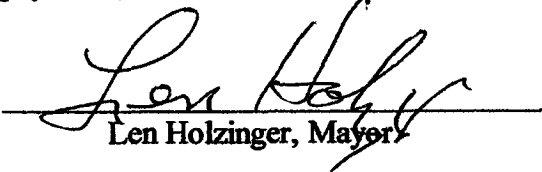
I have vetoed Resolution No. 5272 -

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS CREATING
THE POSITION OF PROPERTY COORDINATOR AND AMENDING THE
CLASSIFICATION PLAN.**

There has been a significant public outcry against the formation of the Property Coordinator position and the costs associated with it. It is maintained that the expense is excessive for a part-time position.

It has been suggested by several that a retired attorney or real estate professional could service the City's property needs as an independent contractor - eliminating the cost of office space and benefits.

These are financially tough times for many of our citizens. The perception of creating another city staff position, which seems fairly high on the pay scale, is less than tolerable.


Len Holzinger, Mayor

9/10/07

RESOLUTION NO. 5272

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS
CREATING THE POSITION OF PROPERTY COORDINATOR AND AMENDING
THE CLASSIFICATION PLAN.

WHEREAS:

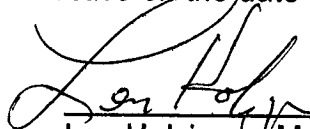
1. The City requires the assistance of trained personnel to purchase property for right of way necessary for capital infrastructure projects; and
2. The City requires the assistance of trained personnel to purchase property for parkland and facility use; and
3. The City requires the assistance of trained personnel to develop a property records system and maintain such a system; and
4. The City requires the assistance of trained professional personnel to sell property owned by the City; and
5. The City currently does not have a position which can fulfill these duties; and
6. The City budget includes the costs for the property services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the City Manager is authorized to amend the Classification Plan and create the position of Property Coordinator.

EFFECTIVE DATE of this Resolution shall be immediate upon its passage by the City Council and approval by the Mayor.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 5th day of September, 2007.

SUBMITTED to and Vetoed by the Mayor of the City of Grants Pass, Oregon, this 10 day of September, 2007, to be effective on the date indicated as adopted by the City Council.


Len Holzinger Mayor

ATTEST:

Administrative Services Director

Date submitted to Mayor: 9/7/07

Approved as to Form, Kris Woodburn, City Attorney KLW

Property Coordinator

Role of Property Coordinator

- Purchase right of way for capital projects
- Purchase property for city facilities
- Sell city owned property
- Manage the property records

Why is this position needed?

- Historically, City Attorney provided
- Need for the change:
 - Taking too much time from Attorney function
 - Recommendation from Justice Riggs
- Option considered:
 - Contract with real estate or private attorney
 - Contract with ROW firm

Costs for the position

- Expenses:
 - Salary and benefits: \$67,589
 - Represents near top step. Will start about \$10,000 less
 - Office overhead, training, travel: 25,000
 - Represents first year. Anticipate future years less.
- Revenues
 - Right of way, primarily streets: \$60,000
 - Facility, parkland 15,500
 - Administration 20,000

Projects identified for next three years

- Gilbert Creek sewer line (1 property)
- Willow / Redwood signal (2 properties)
- Redwood Avenue (25 properties)
- West Park Street (est. 20 properties)
- Redwood Avenue, phase 2 (100 properties)
- Williams Highway / Grandview signal (est. 3 properties)
- Hubbard Lane (30 properties)
- Storm Drain retention sites
- Completion of Allen Creek Park
- Allen Creek Trail, Phase 2
- Assisting with evaluation of sites for new Municipal Building

Options

- **Contract with retired attorney or real estate agent**
- **Advantages:**
 - Trained and experienced for some of the work
 - Attorney likely have negotiation skills
 - Contract costs likely less per hour
- **Disadvantages:**
 - Highly unlikely trained or experienced in right of way work
 - Unlikely to have high level negotiation skills necessary
 - Overall costs higher with greater need for supervision
 - Overall costs higher with greater need for technical supervision
 - Minimal control of scheduling, training
 - No records management support

More options

- **Contract with firm specializing in R.O.W. acquisition**
- **Advantages:**
 - Depth of experience in R.O.W. purchases
 - Minimal technical oversight needed
 - Can meet deadlines
- **Disadvantages:**
 - Higher per hour cost
 - Greater supervision needed than in house employee
 - Minimal control of scheduling
 - No records management support

More options

- **Eliminate need for property coordination**
- **Advantages:**
 - Lowest cost option
 - Will free staff working on these projects to work on other things
- **Disadvantages:**
 - Stop most street projects (preceding list)
 - Loose opportunities to purchase land needed for parks or trails
 - Loose opportunity to sell land no longer needed by the City

Recommended Option

- Hire employee
- Advantages:
 - Can direct time and priorities
 - Require less supervision
 - Overall, less costly then alternatives
 - Provide services contracts cannot provide
- Disadvantages:
 - Likely will need training in right of way acquisition

Direct costs

Retired Real Estate or Attorney:

- Current Attorney: \$150 / hour
- Standard Real Estate Agent:: unsure of hourly rate
 - 6% commission ((Recent sale: nearly \$800,000, \$48,000 commission)
- Additional supervision (\$114 / hour) and technical oversight (\$105 / hour)

Contract ROW:

- Average \$95 per hour including expenses
- Additional supervision (\$114 / hour)

Employee:

- Fully loaded \$81 / hour
- Some supervision and technical oversight (\$114 / hour)

Conclusion

- Employee is solution that:
 - Allows projects to move forward at same speed
 - Effective uses existing employees
 - Provides greatest overall services
 - Is overall most cost effective

Amendment to Development Agreement #2003-1
adopted by Ordinance 5210 & 5411 for properties located
at Scoville Road and Scenic Drive.

Item:

Date: October 3, 2007

RECOMMENDED ACTION:

It is recommended the Council adopt the ordinance to amend the Development Agreement.

PROCEDURE:

Follow the procedure for adopting an Ordinance

BACKGROUND:

In 2004, the City Council approved a Comprehensive Plan Map and zoning map amendment from low density residential to high rise density residential and from R-1-12 to R-4 for properties located at 235 NW Scenic Drive, 105 & 251 NW Scenic Drive and 2100 Scoville Road. The ordinance for the zone change also included a development agreement that pertains to the properties. The development agreement outlined specific conditions to be attached upon the development of the properties. The agreement was recently used for the proposed River Valley Church project on the site.

In August 2007, the City Council adopted Ordinance 5411 which amended the original development agreement from 2004. The ordinance provided a thirty day timeframe for all applicable parties to sign the document. However, due to confusion with the placement of a notary block on the signature page, the timeframe for executing the document expired. The adoption of a new ordinance will provide an additional thirty days for the City and First Baptist Church of Grants Pass to execute and record the document properly.

Development agreements are considered land use decisions and are governed by ORS 94.504-94.528. The regulations provide for such agreements to be amended as necessary. It is the intention of the City and First Baptist Church of Grants Pass to execute and record the document to solidify the terms of the document as they relate to the subject parcels.

The August 2007 ordinance and agreement are attached as Exhibit 2. The 2004 ordinance and agreement are attached as Exhibit 3.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council goal of **GROWTH MANAGEMENT**

COST IMPLICATION:

None.

ITEM: 2.b. AMENDMENT TO DEVELOPMENT AGREEMENT #2003-1 ADOPTED BY
ORDINANCES 5210 & 5411 FOR PROPERTIES LOCATED AT SCOVILLE ROAD AND
SCENIC DRIVE

ORDINANCE NO.

AN ORDINANCE AMENDING DEVELOPMENT AGREEMENT #2003-1 ADOPTED BY ORDINANCES 5210 and 5411, FOR PROPERTY LOCATED AT 235 NW SCENIC DRIVE, 105 & 251 NW SCENIC DRIVE, AND 2100 SCOVILLE ROAD.

WHEREAS:

1. The City adopted Development Agreement #2003-1 in January 2004 as part of a Comprehensive Plan Map Amendment from low density residential to high-rise residential and a zone change from R-1-12 to R-4 for the subject properties identified above.
2. The Development Agreement originally attached as Exhibit 2 to Ordinance 5210 was amended by Ordinance 5411 to update the provisions of the agreement.
3. The City and Owners seek to extend the timeframe to execute the document in order to confirm the conditions in the amended agreement.
4. The applicable provisions of ORS 94.504 through 94.528, governing Development Agreements, are met.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: The City hereby amends Development Agreement #2003-1 attached as Exhibit 1, which modifies the R-4 zoning regulations for the subject properties.

Section 2: The agreement shall be signed by the City and Owner and recorded within thirty days following the effective date of the ordinance in order to ratify the conditions contained herein.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session, this 3rd day of October, 2007.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of October, 2007.

Len Holzinger, Mayor

ATTEST:

Administrative Services Director

Date submitted to Mayor: _____

Approved as to Form, Kris Woodburn, City Attorney _____ *KLW*

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

City of Grants Pass Development Agreement #2003-1

1. General Provisions.

- a. **Authority.** This Development Agreement is entered into pursuant to ORS 94.504 to 94.528.
- b. **Parties.** This agreement is between the City of Grants Pass, Oregon, hereinafter referred to as "City" and the following parcels, hereinafter referred to as "Owners".
 - i. First Baptist Church of Grants Pass, Owner of six (6) tax lots (3901, 2100, 2200, 2300, 2400, and 2401).
 - ii. City of Grants Pass, Owner of tax lot 2500
- c. **Property.** This agreement applies to the real property illustrated in Exhibit "A", which is attached and incorporated herein.

A property line vacation or property line adjustment as necessary shall be completed among all the tax lots after sale of the City's property to the First Baptist Church of Grants Pass.

- d. **Purpose.** This agreement is entered into between Parties to:
 - i. Ensure that development authorized by the concurrent rezoning to R-4 does not exceed functions, capacities, and performance levels of transportation facilities, as could occur without the restrictions in this agreement.
 - ii. Ensure adequate review, buffering, and screening of the use and ancillary uses to protect nearby residential properties and the I-5 corridor.
 - iii. Specify other requirements associated with the property to ensure the development occurs concurrent with adequate public facilities and to ensure properties develop consistent with City Council's goals for the property.

NOW, THEREFORE, the Parties agree to the following terms and conditions.

2. Terms.

- a. **Duration.** Pursuant to ORS 94.504(2)(a), this Agreement shall remain in effect for no more than four (4) years for a development of fewer than seven (7) lots or seven (7) years for a development of seven (7) or more lots, from the effective date of the enacting ordinance.

Properties are currently comprised of seven (7) lots. If the properties are reconfigured and the number of lots is reduced to less than seven (7) after this Agreement is entered into, the Agreement shall continue to remain in effect for a

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

duration based on the seven (7) existing lots at the time of the Agreement was entered into.

In conjunction with this Agreement, the property shall be rezoned to R-4 with a suffix of DA-2003-1, which modifies the regulations of the R-4 zone district. This Agreement contains the provisions specifying the terms by which the DA-2003-1 suffix modifies the R-4 zoning regulations.

The zoning designation of R-4-DA-2003-1 means the property shall develop subject to R-4 zoning, except as modified by this Agreement, during the effective term of this Agreement; and it means the property shall develop subject to R-1-12 zoning following the expiration of this Agreement. Therefore, if the property has not developed prior to expiration of the Agreement, the R-4-DA-2003-1 and R-1-12 zoning designation shall have identical meaning, and the zoning map may be amended to the R-1-12 designation without further legislative action.

If Parties have completed their obligations under this Agreement prior to the expiration of this Agreement, the property shall continue to bear the zoning designation of R-4-DA-2003-1 unless or until the zoning map is otherwise amended. The provisions of this Agreement that modify the uses, development standards, and maximum density for the properties are incorporated into the Development Code by reference, and shall remain in effect as part of the Development Code, unless or until the Development Code is otherwise amended. Once the property is developed, expiration of the agreement does not have the effect making the use or development nonconforming.

- b. **Permitted Use.** The permitted uses shall be those specified in the Grants Pass Development Code for the R-4 zoning district.
- c. **Intensity of Use.** Combined use of both properties shall not exceed the following average trip generation based on rates in the ITE Trip Generation Manual, 6th Edition:
 - i. **Six (6) Tax Lots. The greater of :** Forty (40) exiting vehicle trips during the PM peak hour of the adjacent roadway; 32,000 square feet of general office use; 90 multi-family apartment units; the following combination of uses; or a combination of permitted uses and square footage with equivalent traffic generation.
 - ii. **Tax lot 2500. The greater of:** Forty-seven (47) exiting vehicle trips during the PM peak hour of the adjacent roadway; 38,000 square feet of general office use; 105 multi-family apartment units; or a combination of permitted uses and square footage with equivalent traffic generation.

This provision may be modified or amended in the future only if it can be demonstrated that the proposed use and development is consistent with the function, capacity and performance standards of the transportation system, using the assumptions in the JRH Traffic Impact Analysis of November 24, 2003 and the

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

Supplemental Analysis of December 12, 2003. Development shall maintain allowable Volume to Capacity (v/c) ratio standards for state transportation facilities and Level of Service "D" for City and County transportation facilities. Allowable traffic for the tax lots shall be allocated in the percentage noted above with 47% of the PM peak hour existing trips allocated to the seven (6) tax lots (3901, 2100, 2200, 2300, 2400, & 2401) and 54% of the PM peak hour exiting trips allocated to tax lot 2500.

- d. Noise and Siting of Residential Development.** If all or part of the development on *the tax lots* includes residential use or noise sensitive institutional use, it shall be sited on the property such that all applicable local, state, and federal noise standards for residential and noise sensitive uses are satisfied without the requirement of an acoustical sound barrier wall. If part of the property is developed with office or similar development, residential use shall be limited to portions of the property so that office development will provide a buffer between the residential use and noise associated with Interstate 5.
- e. Maximum Height and Size of Structures.** Structures shall be limited to thirty-five (35) in height rather than the forty-five (45) permitted in the R-4 zone.
- f. Reservation or Dedication of Land for Public Purposes.** A minimum of one-half acre of tax lot 2500 near the I-5 exit and Scoville Road shall be reserved for dedication or provided as a non-exclusive easement to the City of Grants Pass for public use to be determined by the City Council. Such uses may include, but are not limited to, park or recreation use, an interpretive display, an entryway feature, and/or a passive recreation facility. Location of area to be dedicated or provided as an easement should be accessible to the public and users of the site, and should be integral with the development.
- g. Schedule of Fees and Charges.**

 - i. Owner shall be responsible for payment of all fees and charges associated with development of owner's property in accordance with City ordinances and resolutions, without modification by this Agreement.
 - ii. This Agreement does not restrict owner's ability to recover costs where permitted by applicable laws of the City of Grants Pass. For example, costs may be recovered through utility over sizing policy, Advance Finance Districts, System Development Charge (SDC) credits, and other provisions of law.
- h. Schedule and Procedure for Compliance Review.** Owner shall apply for site plan review, obtain development permits, and building permits, and obtain a Certificate of Occupancy prior to expiration of this Agreement or prior to expiration of the development permit which ever comes first. However, if construction is actively under way and a Certificate of Occupancy has not been issued, City may consider obligation met if owner is actively and vigorously continuing development and pursuing a Certificate of Occupancy.
- i. Responsibility for Providing Infrastructure and Services.** The Grants Pass Development Code allows for deferral of required street and storm drainage improvements when it is not feasible to construct them at the time of development. It

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

is the intention of the City that street and storm drainage improvements occur concurrent with the development of the property and not deferred.

- i. **No Deferral of Street and Storm Drainage Improvements.** This Agreement provides that half-street improvements will not be deferred. Half-street frontage improvements shall occur concurrent with development of the tax lots.
- ii. **Timing of Construction of Street and Storm Drainage Improvements.** The urban standard improvements for the street frontages of both properties and the intersection shall be constructed once development occurs on any of the said tax lots.
- iii. **Owner Obligations for Street and Storm Drainage Improvements.**
 1. **Design of Street and Storm Drainage Improvements.** Scoville Road, Scenic Drive, and the intersection of Scoville Road and Scenic Drive are not built or designed to urban standards. Prior to development of any of said tax lots, an urban standard design for streets and storm drainage, for the frontage and intersection, shall be completed at equal expense of the Owners of the tax lots.
 2. **Street and Intersection Improvements.** Owners of said tax lots shall be responsible for construction of street frontage improvements for said tax lots and for intersection improvements at Scoville Road and Scenic Drive at equal expense of Owners of the tax lots.
 3. **Storm Drainage Improvements.** Owners shall be responsible for construction of storm drain improvements for the frontage of the tax lots, at equal expense of the Owners. The Storm Drainage Master Plan does not identify any oversized storm drainage facilities required along the frontage of the properties. In conjunction with the urban standard street improvements, it may be necessary to underground open drainage. If it is necessary to underground open drainage and the design requires a pipe larger than twelve (12) inches, any obligation greater than twelve (12) inches may be financed or recovered through an Advance Finance District or other method in accordance with applicable laws and policies.

Each property shall be individually responsible for on-site storm drainage improvements and conveyances associated with the development of each property, as provided in the Development Agreement.

Each property shall be individually responsible for continuation of historic and planned drainage that is conveyed across the property from upstream properties.

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

4. **Right-of-Way from said Tax Lots:** Owners shall dedicate any right-of-way from said tax lots necessary to construct intersection **and street improvements at and along** Scoville Road and Scenic Drive at the expense of Owner.
 5. **Right-of-Way from Other Properties:** Owners of said tax lots shall be responsible for any right-of-way acquisition from other properties necessary to construct intersection improvements at Scoville Road and Scenic Drive, at equal expense of Owners.
 6. **Cost Recovery.** Any right-of-way acquisition or construction cost in excess of these obligations may be recovered through an Advance Finance District or other method in accordance with applicable laws and policies.
 7. **Intersection Design:** For the intersection, design preference shall be for a “roundabout” or “traffic circle” intersection, if feasible, in order to minimize additional lands and alignment conflicts related to a three (3) way T-intersection with the same through movement as presently exists; to minimize operational costs; and to provide an aesthetic, landscaped gateway feature.
- iv. **Other Public Improvements.** Owners shall provide other public facilities in accordance with the provisions of the Grants Pass Development Code.
- j. **Effect When Laws and Rules Render Compliance Impossible.** When changes in regional policy or federal or state laws or rules render compliance with the Agreement impossible, unlawful or inconsistent with such laws, rules or policy, the following shall apply:
The City shall consider adoption of amendments to this Agreement or the Development Code consistent with said changes and if adopted by the City, the Parties shall sign amendments to this Agreement that acknowledge conformance to the same. A refusal by the Parties to execute said amendment after adoption by the City shall be construed as a default by said Party and result in termination of the rights granted under the original or amended Agreement.
- k. **Remedies Available for Breach of Agreement.** Failure to either Party to fully comply with the terms of this Agreement shall be considered a default and shall result in revocation of the R-4-DA-2003-1 zoning, and the respective property shall revert to R-1-12 zoning sixty (60) days after written notice by the City of said default and failure to cure within said sixty (60) days. Any construction on said property that does not comply with R-1-12 zoning shall thereafter be illegal and shall not be considered “nonconforming”.
- l. **No Remedy Exclusive.** The remedies specified in this Agreement are cumulative to one another and to other remedies in law and equity, and no remedy is exclusive. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

deemed expedient. To exercise any remedy specified in this Agreement it shall not be necessary to give any notice, other than such notice as set forth herein.

- m. Binding Effect.** This Agreement shall be binding on and inure to the benefit of the parties and their heirs, personal representatives, successors, and to the extent permitted by Section (n), assigns.
- n. Assignment of Agreement.** Except with the other party's written consent, a party may not assign any rights or delegate any duties under this Agreement, which consent shall not be unreasonably withheld.
- o. Effect of Applicability and Implementation Upon Annexation.** This property is within the City of Grants Pass therefore applicability and implementation will be unaffected by annexation.

3. Discretionary Approvals Required; Review Body.

- a.** This Agreement is effective concurrent with and as part of the rezoning of the property.
- b.** Development of the property requires a Major Site Plan Review. Owner may also choose to modify property configurations, which may include right-of-way vacation and a property line adjustment. Owner shall apply for all required land use approvals and permits and pay applicable fees. Site Plan approval shall be consistent with the terms and conditions of the Agreement.
- c.** Regardless of the review body specified in the Development Code, the Planning Commission shall be the review body for site plan review for the subject properties.

4. Supplemental Criteria. The property is important to the implementation of Comprehensive Plan Scenic Policy 3.1:

Scenic Policy 3.1: The City and County shall explore the creation of a scenic route and major gateway overlay designation on the UGB land use map. The scenic overlay shall be used to determine those major arterial routes through and major entrances to the City of Grants Pass and urbanizing areas frequented by the traveling public, where special landscaping or scenic effect is desired.

While no scenic route or gateway overlay has been established as described in Policy 3.1, proposed development shall be consistent with the intent of the Policy, as follows:

In addition to Site Plan Review criteria, Owners agree that the following additional criteria will be applicable:

- a.** Development of the property is in accordance with the R-4 zone and the modifications contained in this Development Agreement.
- b.** The review body shall determine that the proposed architectural design, color and materials, exterior illumination, landscaping treatment, site design, and relationship to

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

the major "gateway" entry to Grants Pass are consistent with the intent of the Comprehensive Plan Scenic Policy 3.1, and the natural and historical character of Grants Pass. The review body may require special design features, require special landscaping, or other requirements to ensure desired scenic effect. The architectural features shall be consistent with Article 20 of the Development Code.

- c. The site design shall locate uses to eliminate the need for sound attenuation walls or barriers, which may not have a desired aesthetic appearance.
5. **Deadlines for Commencement of Construction and Completion of Phases or Entire Project.** Construction shall commence at least one year prior to expiration of this agreement, and completed prior to expiration of the Development Permit provisions.
6. **City Obligation to Expend Monies is Contingent on Future Appropriation as Part of Local Budget Process.** All City obligations to expend monies under a Development Agreement are contingent upon future appropriations as part of the local budget process. Nothing in this agreement requires the City to appropriate any such monies.
7. **Assumptions for Service and Procedures for Change in Circumstances.** The subject property is inside the Grants Pass City limits, and is eligible to receive municipal services. City has adequate capacity to provide municipal services to be made available by City, or Owner's obligation to construct public improvement. However, this Agreement specifies that Owner is obligated to construct, not defer, frontage improvements, where the Development Code may otherwise authorize deferral of some improvements. Deferral is only permitted in extraordinary circumstances where an improvement cannot reasonably be installed.
8. **Entirety of Agreement.** This Agreement (including the exhibits) sets forth the entire understanding of the Parties with respect to the subject matter of this Agreement and supersedes any and all prior understandings and agreements, whether written or oral, between the Parties with respect to such subject matter.
9. **Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof
10. **Attorney Fees.** If suit or action is brought by the either Party to enforce any right created by this Agreement, the prevailing Party shall be entitled to recover in any trial court, and appellate courts, reasonable attorney fees, including costs and disbursements therein.
11. **Amendment or Cancellation of Agreement; Enforceability.**
 - a. This agreement may be amended or cancelled by mutual consent of the parties to the agreement or their successors in interest. The governing body shall amend or cancel a development agreement by adoption of an ordinance declaring cancellation of the agreement or setting forth the amendments to the agreement.
 - b. Until this Development Agreement is cancelled under this section, the terms of the Development Agreement are enforceable by any party to the agreement.

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

12. **Recording.** Pursuant to ORS 94.528, not later than ten (10) days after the execution of a development agreement under ORS 94.504 to 94.528, the City Council shall cause the Development Agreement to be presented for recording in the office of the Josephine County Clerk.
13. **Effective Date.** Parties shall execute Agreement within thirty (30) days from the passage of the enacting ordinance. This agreement shall be effective thirty (30) days from the date the Grants Pass City Council adopts the ordinance.

WE THE UNDERSIGNED have read and agree to the terms contained in this agreement

Executed this _____ day of _____ 2007.

OWNERS:

City of Grants Pass, Oregon (Tax lot 2500)

By: David W. Frasher, City Manager

STATE OF OREGON)
)ss
COUNTY OF JOSEFINE)

Signed before me on the _____ day of _____

By _____

IN WITNESS WHEREOF I hereto set my hand and seal on this same date,

Notary Public for Oregon

My Commission Expires _____

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

First Baptist Church of Grants Pass
(Tax lots 3901, 2100, 2200, 2300, 2400, & 2401)

First Baptist Church of Grants Pass
Authorized Member

STATE OF OREGON)
)ss
COUNTY OF JOSEFINE)

Signed before me on the _____ day of _____

By _____

IN WITNESS WHEREOF I hereto set my hand and seal on this same date,

Notary Public for Oregon

My Commission Expires _____

ORDINANCE NO. 5411

AN ORDINANCE AMENDING DEVELOPMENT AGREEMENT #2003-1
ADOPTED BY ORDINANCE 5210, FOR PROPERTY LOCATED AT 235
NW SCENIC DRIVE, 105 & 251 NW SCENIC DRIVE, AND 2100 SCOVILLE
ROAD.

WHEREAS:

1. The City adopted Development Agreement #2003-1 in January 2004 as part of a Comprehensive Plan Map Amendment from low density residential to high-rise residential and a zone change from R-1-12 to R-4 for the subject properties identified above.
2. The Development Agreement originally attached as Exhibit 2 to Ordinance 5210 is amended to update the provisions of the agreement.
3. The City and Owners seek to extend the timeframe to execute the document in order to confirm the conditions in the amended agreement.
4. The applicable provisions of ORS 94.504 through 94.528, governing Development Agreements, are met.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: The City hereby amends Development Agreement #2003-1 attached as Exhibit 1, which modifies the R-4 zoning regulations for the subject properties.

Section 2: The agreement shall be signed by the City and Owner and recorded within thirty (30) days in order to ratify the conditions contained herein.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session, this 1st day of August, 2007.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 3 day of August, 2007.

Len Holzinger
Len Holzinger, Mayor

ATTEST:

Joann M. Stump Date submitted to Mayor: 8/2/7
Administrative Services Director

Approved as to Form, Kris Woodburn, City Attorney Kris Woodburn

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

City of Grants Pass Development Agreement #2003-1

1. General Provisions.

- a. **Authority.** This Development Agreement is entered into pursuant to ORS 94.504 to 94.528.
- b. **Parties.** This agreement is between the City of Grants Pass, Oregon, hereinafter referred to as "City" and the following parcels, hereinafter referred to as "Owners".
 - i. First Baptist Church of Grants Pass, Owner of six (6) tax lots (3901, 2100, 2200, 2300, 2400, and 2401).
 - ii. City of Grants Pass, Owner of tax lot 2500
- c. **Property.** This agreement applies to the real property illustrated in Exhibit "A", which is attached and incorporated herein.

A property line vacation or property line adjustment as necessary shall be completed among all the tax lots after sale of the City's property to the First Baptist Church of Grants Pass.
- d. **Purpose.** This agreement is entered into between Parties to:
 - i. Ensure that development authorized by the concurrent rezoning to R-4 does not exceed functions, capacities, and performance levels of transportation facilities, as could occur without the restrictions in this agreement.
 - ii. Ensure adequate review, buffering, and screening of the use and ancillary uses to protect nearby residential properties and the I-5 corridor.
 - iii. Specify other requirements associated with the property to ensure the development occurs concurrent with adequate public facilities and to ensure properties develop consistent with City Council's goals for the property.

NOW, THEREFORE, the Parties agree to the following terms and conditions.

2. Terms.

- a. **Duration.** Pursuant to ORS 94.504(2)(a), this Agreement shall remain in effect for no more than four (4) years for a development of fewer than seven (7) lots or seven (7) years for a development of seven (7) or more lots, from the effective date of the enacting ordinance.

Properties are currently comprised of seven (7) lots. If the properties are reconfigured and the number of lots is reduced to less than seven (7) after this Agreement is entered into, the Agreement shall continue to remain in effect for a

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

duration based on the seven (7) existing lots at the time of the Agreement was entered into.

In conjunction with this Agreement, the property shall be rezoned to R-4 with a suffix of DA-2003-1, which modifies the regulations of the R-4 zone district. This Agreement contains the provisions specifying the terms by which the DA-2003-1 suffix modifies the R-4 zoning regulations.

The zoning designation of R-4-DA-2003-1 means the property shall develop subject to R-4 zoning, except as modified by this Agreement, during the effective term of this Agreement; and it means the property shall develop subject to R-1-12 zoning following the expiration of this Agreement. Therefore, if the property has not developed prior to expiration of the Agreement, the R-4-DA-2003-1 and R-1-12 zoning designation shall have identical meaning, and the zoning map may be amended to the R-1-12 designation without further legislative action.

If Parties have completed their obligations under this Agreement prior to the expiration of this Agreement, the property shall continue to bear the zoning designation of R-4-DA-2003-1 unless or until the zoning map is otherwise amended. The provisions of this Agreement that modify the uses, development standards, and maximum density for the properties are incorporated into the Development Code by reference, and shall remain in effect as part of the Development Code, unless or until the Development Code is otherwise amended. Once the property is developed, expiration of the agreement does not have the effect making the use or development nonconforming.

- b. **Permitted Use.** The permitted uses shall be those specified in the Grants Pass Development Code for the R-4 zoning district.
- c. **Intensity of Use.** Combined use of both properties shall not exceed the following average trip generation based on rates in the ITE Trip Generation Manual, 6th Edition:
 - i. **Six (6) Tax Lots.** The greater of : Forty (40) exiting vehicle trips during the PM peak hour of the adjacent roadway; 32,000 square feet of general office use; 90 multi-family apartment units; the following combination of uses; or a combination of permitted uses and square footage with equivalent traffic generation.
 - ii. **Tax lot 2500.** The greater of: Forty-seven (47) exiting vehicle trips during the PM peak hour of the adjacent roadway; 38,000 square feet of general office use; 105 multi-family apartment units; or a combination of permitted uses and square footage with equivalent traffic generation.

This provision may be modified or amended in the future only if it can be demonstrated that the proposed use and development is consistent with the function, capacity and performance standards of the transportation system, using the assumptions in the JRH Traffic Impact Analysis of November 24, 2003 and the

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

Supplemental Analysis of December 12, 2003. Development shall maintain allowable Volume to Capacity (v/c) ratio standards for state transportation facilities and Level of Service "D" for City and County transportation facilities. Allowable traffic for the tax lots shall be allocated in the percentage noted above with 47% of the PM peak hour existing trips allocated to the seven (6) tax lots (3901, 2100, 2200, 2300, 2400, & 2401) and 54% of the PM peak hour exiting trips allocated to tax lot 2500.

- d. Noise and Siting of Residential Development.** If all or part of the development on the tax lots includes residential use or noise sensitive institutional use, it shall be sited on the property such that all applicable local, state, and federal noise standards for residential and noise sensitive uses are satisfied without the requirement of an acoustical sound barrier wall. If part of the property is developed with office or similar development, residential use shall be limited to portions of the property so that office development will provide a buffer between the residential use and noise associated with Interstate 5.
- e. Maximum Height and Size of Structures.** Structures shall be limited to thirty-five (35) in height rather than the forty-five (45) permitted in the R-4 zone.
- f. Reservation or Dedication of Land for Public Purposes.** A minimum of one-half acre of tax lot 2500 near the I-5 exit and Scoville Road shall be reserved for dedication or provided as a non-exclusive easement to the City of Grants Pass for public use to be determined by the City Council. Such uses may include, but are not limited to, park or recreation use, an interpretive display, an entryway feature, and/or a passive recreation facility. Location of area to be dedicated or provided as an easement should be accessible to the public and users of the site, and should be integral with the development.
- g. Schedule of Fees and Charges.**

 - i. Owner shall be responsible for payment of all fees and charges associated with development of owner's property in accordance with City ordinances and resolutions, without modification by this Agreement.
 - ii. This Agreement does not restrict owner's ability to recover costs where permitted by applicable laws of the City of Grants Pass. For example, costs may be recovered through utility over sizing policy, Advance Finance Districts, System Development Charge (SDC) credits, and other provisions of law.
- h. Schedule and Procedure for Compliance Review.** Owner shall apply for site plan review, obtain development permits, and building permits, and obtain a Certificate of Occupancy prior to expiration of this Agreement or prior to expiration of the development permit which ever comes first. However, if construction is actively under way and a Certificate of Occupancy has not been issued, City may consider obligation met if owner is actively and vigorously continuing development and pursuing a Certificate of Occupancy.
- i. Responsibility for Providing Infrastructure and Services.** The Grants Pass Development Code allows for deferral of required street and storm drainage improvements when it is not feasible to construct them at the time of development. It

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

is the intention of the City that street and storm drainage improvements occur concurrent with the development of the property and not deferred.

- i. **No Deferral of Street and Storm Drainage Improvements.** This Agreement provides that half-street improvements will not be deferred. Half-street frontage improvements shall occur concurrent with development of the tax lots.
- ii. **Timing of Construction of Street and Storm Drainage Improvements.** The urban standard improvements for the street frontages of both properties and the intersection shall be constructed once development occurs on any of the said tax lots.
- iii. **Owner Obligations for Street and Storm Drainage Improvements.**
 1. **Design of Street and Storm Drainage Improvements.** Scoville Road, Scenic Drive, and the intersection of Scoville Road and Scenic Drive are not built or designed to urban standards. Prior to development of any of said tax lots, an urban standard design for streets and storm drainage, for the frontage and intersection, shall be completed at equal expense of the Owners of the tax lots.
 2. **Street and Intersection Improvements.** Owners of said tax lots shall be responsible for construction of street frontage improvements for said tax lots and for intersection improvements at Scoville Road and Scenic Drive at equal expense of Owners of the tax lots.
 3. **Storm Drainage Improvements.** Owners shall be responsible for construction of storm drain improvements for the frontage of the tax lots, at equal expense of the Owners. The Storm Drainage Master Plan does not identify any oversized storm drainage facilities required along the frontage of the properties. In conjunction with the urban standard street improvements, it may be necessary to underground open drainage. If it is necessary to underground open drainage and the design requires a pipe larger than twelve (12) inches, any obligation greater than twelve (12) inches may be financed or recovered through an Advance Finance District or other method in accordance with applicable laws and policies.

Each property shall be individually responsible for on-site storm drainage improvements and conveyances associated with the development of each property, as provided in the Development Agreement.

Each property shall be individually responsible for continuation of historic and planned drainage that is conveyed across the property from upstream properties.

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

4. **Right-of-Way from said Tax Lots:** Owners shall dedicate any right-of-way from said tax lots necessary to construct intersection improvements at Scoville Road and Scenic Drive at the expense of Owner.
 5. **Right-of-Way from Other Properties:** Owners of said tax lots shall be responsible for any right-of-way acquisition from other properties necessary to construct intersection improvements at Scoville Road and Scenic Drive, at equal expense of Owners.
 6. **Cost Recovery.** Any right-of-way acquisition or construction cost in excess of these obligations may be recovered through an Advance Finance District or other method in accordance with applicable laws and policies.
 7. **Intersection Design:** For the intersection, design preference shall be for a "roundabout" or "traffic circle" intersection, if feasible, in order to minimize additional lands and alignment conflicts related to a three (3) way T-intersection with the same through movement as presently exists; to minimize operational costs; and to provide an aesthetic, landscaped gateway feature.
- iv. **Other Public Improvements.** Owners shall provide other public facilities in accordance with the provisions of the Grants Pass Development Code.
- j. **Effect When Laws and Rules Render Compliance Impossible.** When changes in regional policy or federal or state laws or rules render compliance with the Agreement impossible, unlawful or inconsistent with such laws, rules or policy, the following shall apply:
The City shall consider adoption of amendments to this Agreement or the Development Code consistent with said changes and if adopted by the City, the Parties shall sign amendments to this Agreement that acknowledge conformance to the same. A refusal by the Parties to execute said amendment after adoption by the City shall be construed as a default by said Party and result in termination of the rights granted under the original or amended Agreement.
- k. **Remedies Available for Breach of Agreement.** Failure to either Party to fully comply with the terms of this Agreement shall be considered a default and shall result in revocation of the R-4-DA-2003-1 zoning, and the respective property shall revert to R-1-12 zoning sixty (60) days after written notice by the City of said default and failure to cure within said sixty (60) days. Any construction on said property that does not comply with R-1-12 zoning shall thereafter be illegal and shall not be considered "nonconforming".
- l. **No Remedy Exclusive.** The remedies specified in this Agreement are cumulative to one another and to other remedies in law and equity, and no remedy is exclusive. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

deemed expedient. To exercise any remedy specified in this Agreement it shall not be necessary to give any notice, other than such notice as set forth herein.

- m. Binding Effect.** This Agreement shall be binding on and inure to the benefit of the parties and their heirs, personal representatives, successors, and to the extent permitted by Section (n), assigns.
- n. Assignment of Agreement.** Except with the other party's written consent, a party may not assign any rights or delegate any duties under this Agreement, which consent shall not be unreasonably withheld.
- o. Effect of Applicability and Implementation Upon Annexation.** This property is within the City of Grants Pass therefore applicability and implementation will be unaffected by annexation.

3. Discretionary Approvals Required; Review Body.

- a.** This Agreement is effective concurrent with and as part of the rezoning of the property.
- b.** Development of the property requires a Major Site Plan Review. Owner may also choose to modify property configurations, which may include right-of-way vacation and a property line adjustment. Owner shall apply for all required land use approvals and permits and pay applicable fees. Site Plan approval shall be consistent with the terms and conditions of the Agreement.
- c.** Regardless of the review body specified in the Development Code, the Planning Commission shall be the review body for site plan review for the subject properties.

4. Supplemental Criteria. The property is important to the implementation of Comprehensive Plan Scenic Policy 3.1:

Scenic Policy 3.1: The City and County shall explore the creation of a scenic route and major gateway overlay designation on the UGB land use map. The scenic overlay shall be used to determine those major arterial routes through and major entrances to the City of Grants Pass and urbanizing areas frequented by the traveling public, where special landscaping or scenic effect is desired.

While no scenic route or gateway overlay has been established as described in Policy 3.1, proposed development shall be consistent with the intent of the Policy, as follows:

In addition to Site Plan Review criteria, Owners agree that the following additional criteria will be applicable:

- a.** Development of the property is in accordance with the R-4 zone and the modifications contained in this Development Agreement.
- b.** The review body shall determine that the proposed architectural design, color and materials, exterior illumination, landscaping treatment, site design, and relationship to

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

the major “gateway” entry to Grants Pass are consistent with the intent of the Comprehensive Plan Scenic Policy 3.1, and the natural and historical character of Grants Pass. The review body may require special design features, require special landscaping, or other requirements to ensure desired scenic effect. The architectural features shall be consistent with Article 20 of the Development Code.

- c. The site design shall locate uses to eliminate the need for sound attenuation walls or barriers, which may not have a desired aesthetic appearance.

5. **Deadlines for Commencement of Construction and Completion of Phases or Entire Project.** Construction shall commence at least one year prior to expiration of this agreement, and completed prior to expiration of the Development Permit provisions.
6. **City Obligation to Expend Monies is Contingent on Future Appropriation as Part of Local Budget Process.** All City obligations to expend monies under a Development Agreement are contingent upon future appropriations as part of the local budget process. Nothing in this agreement requires the City to appropriate any such monies.
7. **Assumptions for Service and Procedures for Change in Circumstances.** The subject property is inside the Grants Pass City limits, and is eligible to receive municipal services. City has adequate capacity to provide municipal services to be made available by City, or Owner's obligation to construct public improvement. However, this Agreement specifies that Owner is obligated to construct, not defer, frontage improvements, where the Development Code may otherwise authorize deferral of some improvements. Deferral is only permitted in extraordinary circumstances where an improvement cannot reasonably be installed.
8. **Entirety of Agreement.** This Agreement (including the exhibits) sets forth the entire understanding of the Parties with respect to the subject matter of this Agreement and supersedes any and all prior understandings and agreements, whether written or oral, between the Parties with respect to such subject matter.
9. **Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof
10. **Attorney Fees.** If suit or action is brought by the either Party to enforce any right created by this Agreement, the prevailing Party shall be entitled to recover in any trial court, and appellate courts, reasonable attorney fees, including costs and disbursements therein.
11. **Amendment or Cancellation of Agreement; Enforceability.**
 - a. This agreement may be amended or cancelled by mutual consent of the parties to the agreement or their successors in interest. The governing body shall amend or cancel a development agreement by adoption of an ordinance declaring cancellation of the agreement or setting forth the amendments to the agreement.
 - b. Until this Development Agreement is cancelled under this section, the terms of the Development Agreement are enforceable by any party to the agreement.

EXHIBIT 1 – AMENDED DEVELOPMENT AGREEMENT #2003-1

12. **Recording.** Pursuant to ORS 94.528, not later than ten (10) days after the execution of a development agreement under ORS 94.504 to 94.528, the City Council shall cause the Development Agreement to be presented for recording in the office of the Josephine County Clerk.
13. **Effective Date.** Parties shall execute Agreement within thirty (30) days from the passage of the enacting ordinance. This agreement shall be effective thirty (30) days from the date the Grants Pass City Council adopts the ordinance.

WE THE UNDERSIGNED have read and agree to the terms contained in this agreement

Executed this _____ day of _____ 2007.

OWNER(S):

City of Grants Pass, Oregon(Tax lot 2500)

First Baptist Church of Grants Pass
(Tax lots 3901, 2100, 2200, 2300, 2400, &
2401)

By: David W. Frasher
City Manager

First Baptist Church of Grants Pass
Authorized Member

STATE OF OREGON)
)ss
COUNTY OF JOSEFINE)

Signed before me on the _____ day of _____

By _____

IN WITNESS WHEREOF I hereto set my hand and seal on this same date,

Notary Public for Oregon

My Commission Expires _____

ORDINANCE NO. 5210

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP FROM LOW-DENSITY RESIDENTIAL TO HIGH-RISE DENSITY RESIDENTIAL AND THE ZONING MAP FROM R-1-12 TO R-4, AND ENTERING INTO DEVELOPMENT AGREEMENT #2003-1, FOR PROPERTY LOCATED AT 235 NW SCENIC DRIVE, 105 & 251 NW SCENIC DRIVE, AND 2100 SCOVILLE ROAD.

WHEREAS:

1. The Comprehensive Plan of the City of Grants Pass was adopted December 15, 1982. The Development Code of the City of Grants Pass was adopted August 17, 1983; and
2. The owner of the subject property (more particularly described in Exhibit 1) has requested the comprehensive plan and zoning map amendments.
3. The City seeks to enable office use and development of subject properties and Owners seek to develop office use of subject properties.
4. In terms of the physical conditions and characteristics, location, and availability of services, the property is appropriate for office use, subject to certain restrictions and conditions; and with appropriate mitigation, the property is appropriate for ancillary uses associated with the intended office use that are not otherwise permitted in the R-4 zone.
5. In order to allow the desired office and ancillary use while addressing impacts, the best alternative is a Comprehensive Plan Map Amendment to "HRR" and a Zoning Map Amendment to "R-4", with a concurrent Development Agreement modifying the provisions of the R-4 zone.
6. The applicable criteria listed in the Comprehensive Plan and the Development Code are met.
7. The applicable provisions of ORS 94.504 through 94.528, governing Development Agreements, are met.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: The Comprehensive Plan Map is hereby amended to include the properties identified by Assessor's Map and Tax Lots 36-5-5-CB/2100, 2200, 2300, 2400, 2401, 2500 and 36-5-6-00/3901 and adjacent right-of-way shown in Exhibit 1, entirely within the High-Rise Density Residential Comprehensive Plan Map designation; and

Section 2: The Zoning Map is hereby amended to include all of the properties identified in Section 1 entirely within the "R-4" Zoning District, with a suffix of DA-2003-1; and

Section 3: The City hereby adopts Development Agreement #2003-1, attached as Exhibit 2, which modifies the R-4 zoning regulations for properties with the zoning designation followed by the DA-2003-1 suffix.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session, this 21st day of January, 2004.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 4 day of January, 2004.

Feb.

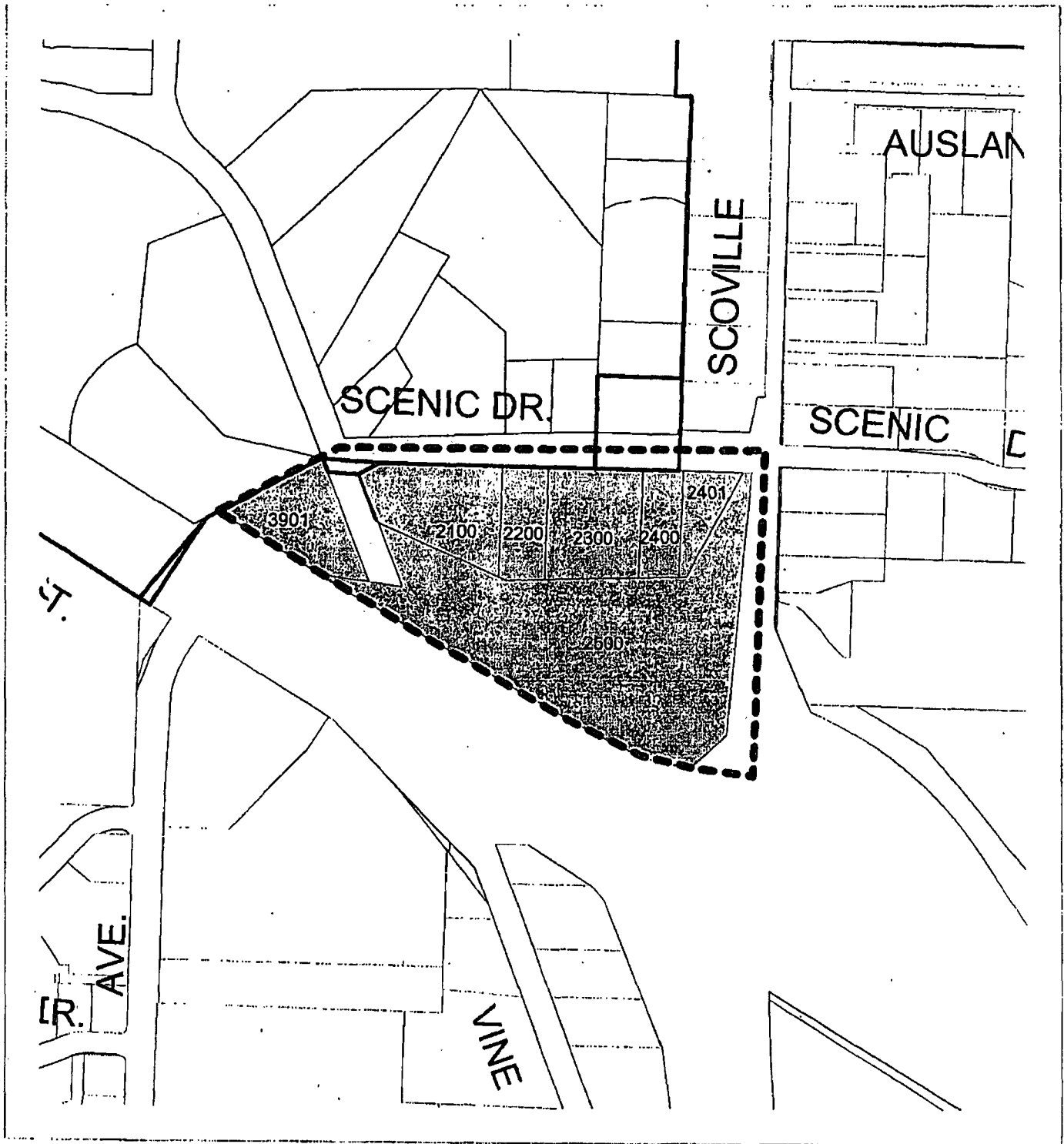
Len Holzinger
Len Holzinger, Mayor

ATTEST:

James M. Steiny
Administrative Services Director

Date submitted to Mayor: 1/30/04

EXHIBIT 1
36-5-5-CB/2100, 2200, 2300, 2400, 2401, 2500
36-5-6-00-3901



300 0 300 600 Feet



EXHIBIT 2 to ORDINANCE

CITY OF GRANTS PASS DEVELOPMENT AGREEMENT #2003-1

1. General Provisions.

- a. **Authority.** This Development Agreement is entered into pursuant to ORS 94.504 to 94.528.
- b. **Parties.** This agreement is between the City of Grants Pass, Oregon, hereinafter referred to as "City" and the following parties, hereinafter referred to as "Owners":
 - i. Scenic I-5 LLC, Owner of Parcel 1, consisting of 6 reconfigured tax lots (3901, 2100, 2200, 2300, 2400, 2401).
 - ii. City of Grants Pass, Owner of Parcel 2, consisting of 1 reconfigured tax lot (2500).
- c. **Property.** This agreement applies to the real property legally described in Exhibit "A" and illustrated in Exhibit "B", both of which are attached and incorporated herein.

If the property line adjustment has not been completed prior to the effective date of this ordinance, the provisions of this Agreement shall apply based on the configuration of Parcels 1 and 2 illustrated in Exhibit "B".

- d. **Purpose.** This agreement is entered into between Parties to:
 - i. Ensure that development of office use that will be authorized by the concurrent rezoning to R-4 does not exceed functions, capacities, and performance levels of transportation facilities, as could occur without the restrictions in this agreement.
 - ii. Enable certain ancillary uses associated with a BLM office building, which would not be permitted as accessory uses in the R-4 zone, if not modified by this agreement.
 - iii. Ensure adequate review, buffering, and screening of the use and ancillary uses to protect nearby residential properties and the I-5 view corridor.
 - iv. Specify other requirements associated with the property to ensure the development occurs concurrent with adequate public facilities and to ensure properties develop consistent with City Council's goals for the property.

NOW, THEREFORE, the Parties agree to the following terms and conditions.

2. Terms.

- a. **Duration.** Pursuant to ORS 94.504(2)(a), this agreement shall remain in effect for no more than four years for a development of fewer than seven lots or seven

EXHIBIT 2 to ORDINANCE

years for a development of seven or more lots, from the effective date of the enacting ordinance.

Properties are currently comprised of seven lots. If the properties are reconfigured and the number of lots is reduced to less than seven after this agreement is entered into, the agreement shall continue to remain in effect for a duration based on the seven existing lots at the time the agreement was entered into.

In conjunction with this agreement, the property shall be rezoned to R-4 with a suffix of DA-2003-1, which modifies the regulations of the R-4 zoning district. This Agreement contains the provisions specifying the terms by which the DA-2003-1 suffix modifies the R-4 zoning regulations.

The zoning designation of R-4-DA-2003-01 means the property shall develop subject to R-4 zoning, except as modified by this agreement, during the effective term of this Agreement; and it means the property shall develop subject to R-1-12 zoning following the expiration of this Agreement. Therefore, if the property has not developed prior to expiration of the agreement, the R-4-DA-2003-01 and R-1-12 zoning designation shall have identical meaning, and the zoning map may be amended to the R-1-12 designation without further legislative action.

If Parties have completed their obligations under this Agreement prior to the expiration of this Agreement, the property shall continue to bear the zoning designation of R-4-DA-2003-1 unless or until the zoning map is otherwise amended. The provisions of this Agreement that modify the uses, development standards, and maximum density for the properties are incorporated into the Development Code by reference, and shall remain in effect as part of the Development Code, unless or until the Development Code is otherwise amended. Once the property is developed, expiration of the agreement does not have the effect making the use or development nonconforming.

b. Permitted Use.

- i. **Parcel 1.** The permitted uses for Parcel 1 shall be those specified in the Grants Pass Development Code for the R-4 zoning district; in addition, if any use listed below would not otherwise be permitted in the R-4 zone, it shall also be permitted in conjunction with an office building of at least 29,000 square feet:

1. Common Area: Approximately 1,420 square feet
2. Office Space: Approximately 29,380 square feet
3. Warehouse Space: Approximately 6,295 square feet
4. Wareyard: Approximately 52,000 square feet
5. 100 secured parking spaces for BLM/Forest Service vehicles plus 10 motorcycles
6. 12 parking spaces for visitors; 2 handicapped spaces; and 2 oversized spaces
7. 149 parking spaces for employees, including 5 handicapped spaces.

EXHIBIT 2 to ORDINANCE

If the wareyard or parking for BLM/Forest Service vehicles is visible from adjacent properties or I-5, it shall be screened at a minimum with a landscape zone buffer equivalent to the specification in Article 23 of the Grants Pass Development Code for outdoor industrial use.

- ii. **Parcel 2.** The permitted uses for Parcel 2 shall be those specified in the Grants Pass Development Code for the R-4 zoning district, without exception.
- c. **Intensity of Use.** Combined use of both properties shall not exceed the following average trip generation based on rates in the ITE Trip Generation Manual, 6th Edition:
 - i. **Parcel 1.** The greater of: 40 exiting vehicle trips during the PM peak hour of the adjacent roadway; 32,000 square feet of general office use; ~~90 multi-family apartment units~~; the following combination of uses; or a combination of permitted uses and square footage with equivalent traffic generation:
 - 1. Common Area: Maximum 1,420 square feet
 - 2. Office Space: Maximum 29,380 square feet
 - 3. Warehouse Space: Maximum 6,295 square feet
 - 4. Wareyard: Maximum 52,000 square feet
 - 5. 100 secured parking spaces for BLM/Forest Service vehicles plus 10 motorcycles
 - 6. 12 parking spaces for visitors; 2 handicapped spaces; and 2 oversized spaces
 - 7. 149 parking spaces for employees, including 5 handicapped spaces.
 - ii. **Parcel 2.** The greater of: 47 exiting vehicle trips during the PM peak hour of the adjacent roadway; 38,000 square feet of general office use; ~~105 multi-family apartment units~~; or a combination of permitted uses and square footage with equivalent traffic generation.

This provision may be modified or amended in the future only if it can be demonstrated that the proposed use and development is consistent with the function, capacity and performance standards of the transportation system, using the assumptions in the JRH Traffic Impact Analysis of November 24, 2003 and the Supplemental Analysis of December 12, 2003. ~~Development shall maintain allowable Volume to Capacity (V/C) ratio standards for state transportation facilities and Level of Service (D) for City and County transportation facilities. Allowable traffic for Parcel 1 and Parcel 2 shall be allocated in the percentage noted above, with 47% of the PM peak hour exiting trips allocated to Parcel 1 and 54% of the PM peak hour exiting trips allocated to Parcel 2.~~

- d. ~~Noise and Siting of Residential Development: If all or part of the development on Parcel 1 or Parcel 2 includes residential use or noise-sensitive institutional use, it shall be sited on the property such that all applicable local, state, and federal noise standards for residential and noise-sensitive uses are satisfied without the requirement of an acoustical sound barrier wall. If part of the property~~

EXHIBIT 2 to ORDINANCE

is developed with office or similar development residential use shall be limited to portions of the property so that office development will provide a buffer between the residential use and noise associated with Interstate 5.

- e. **Maximum Height and Size of Structures.** Structures shall be limited to 35 feet in height rather than the 45 feet permitted in the R-4 zone.
- f. **Reservation or Dedication of Land for Public Purposes.** A minimum of one-half acre of Parcel 2 near the I-5 exit and Scoville Road shall be reserved for dedication to the City of Grants Pass for public use to be determined by the City Council. Such uses may include, but are not limited to, park or recreation use, an interpretive display, an entryway feature, and/or a passive recreation facility. Location of area to be dedicated should be accessible to the public and users of the site, and should be integral with the development.

This Agreement only provides for reservation of said land, and does not obligate Owner of Parcel 2 to develop said property as part of the development of Parcel 2.

g. Schedule of Fees and Charges.

- i. Owner shall be responsible for payment of all fees and charges associated with development of owner's property in accordance with City ordinances and resolutions, without modification by this Agreement.
- ii. This Agreement does not restrict owner's ability to recover costs where permitted by applicable laws of the City of Grants Pass. For example, costs may be recovered through utility oversizing policy, Advance Finance Districts, SDC credits, and other provisions of law.

h. Schedule and Procedure for Compliance Review.

- i. Owner shall apply for site plan review, obtain Development Permits and building permits, and obtain a Certificate of Occupancy prior to expiration of this Agreement. However, if construction is actively under way and a Certificate of Occupancy has not been issued, City may consider obligation met if Owner is actively and vigorously continuing development and pursuing a Certificate of Occupancy.

i. Responsibility for Providing Infrastructure and Services. The Grants Pass Development Code allows for deferral of required street and storm drainage improvements when it is not feasible to construct them at the time of development. It is the intention of the City that street and storm drainage improvements occur concurrent with the development of the property and not deferred.

- i. **No Deferral of Street and Storm Drainage Improvements.** This Agreement provides that half-street improvements will not be deferred. Half-street frontage improvements shall occur concurrent with development of Parcel 1 and Parcel 2.

EXHIBIT 2 to ORDINANCE

- ii. **Timing of Construction of Street and Storm Drainage Improvements.** The urban standard improvements for the street frontages of both properties and the intersection shall be constructed on the following schedule:

1. If Parcel 1 develops first, the intersection and frontage improvements for both properties shall occur when Parcel 1 develops.
2. If Parcel 2 develops first, the intersection and frontage improvements for Parcel 2 shall be developed when Parcel 2 develops, and the frontage improvements of Parcel 1 shall be developed when Parcel 1 develops. However, Owner of Parcel 1 may also elect to construct frontage improvements of Parcel 1 sooner.

- iii. **Owner Obligations for Street and Storm Drainage Improvements.**

1. **Design of Street and Storm Drainage Improvements.** Scoville Road, Scenic Drive, and the intersection of Scoville Road and Scenic Drive are not built or designed to urban standards. Prior to development of Parcel 1 or Parcel 2, an urban standard design for streets and storm drainage, for the frontage and intersection, shall be completed at equal expense of Owners of Parcel 1 and Parcel 2.
2. **Street and Intersection Improvements.** Owners of Parcel 1 and Parcel 2 shall be responsible for construction of street frontage improvements for both properties and for intersection improvements at Scoville Road and Scenic Drive, at equal expense of Owners of Parcel 1 and Parcel 2.
3. **Storm Drainage Improvements.** Owners of Parcel 1 and Parcel 2 shall be responsible for construction of storm drain improvements for the frontage of both properties, at equal expense of Owners of Parcel 1 and Parcel 2. The Storm Drainage Master Plan does not identify any oversized storm drainage facilities required along the frontage of the properties. In conjunction with the urban standard street improvements, it may be necessary to underground open drainage. If it is necessary to underground open drainage and the design requires pipe larger than 12 inches, any obligation greater than 12 inches may be financed or recovered through an Advance Finance District or other method in accordance with applicable laws and policies.

Each property shall be individually responsible for on-site storm drainage improvements and conveyances associated with the development of each property, as provided in the Development Code.

EXHIBIT 2 to ORDINANCE

Each property shall be individually responsible for continuation of historic and planned drainage that is conveyed across the property from upstream properties.

4. **Right-of-Way from Parcel 2.** Owner of Parcel 2 shall dedicate any right-of-way from Parcel 2 necessary to construct intersection improvements at Scoville Road and Scenic Drive, at expense of Owner of Parcel 2.
 5. **Right-of-Way from Other Properties.** Owners of Parcel 1 and Parcel 2 shall be responsible for any right-of-way acquisition from other properties necessary to construct intersection improvements at Scoville Road and Scenic Drive, at equal expense of Owners of Parcel 1 and Parcel 2.
 6. **Cost Recovery.** Any right-of-way acquisition or construction cost in excess of these obligations may be recovered through an Advance Finance District or other method in accordance with applicable laws and policies.
 7. **Intersection Design.** For the intersection, design preference shall be for a "roundabout" or "traffic circle" intersection, if feasible, in order to minimize additional lands and alignment conflicts related to a three way T-intersection with the same through movement as presently exists; to minimize operational costs; and to provide an aesthetic, landscaped gateway feature.
- iv. **Other Public Improvements.** Owners shall provide other public facilities in accordance with the provisions of the Grants Pass Development Code.
- j. **Effect When Laws and Rules Render Compliance Impossible.** When changes in regional policy or federal or state law or rules render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or policy, the following shall apply:
- The City shall consider adoption of amendments to this Agreement or the Development Code consistent with said changes and if adopted by the City, the Parties shall sign amendments to this Agreement that acknowledge conformance to the same. A refusal by the Parties to execute said amendment after adoption by the City shall be construed as a default by said Party and result in termination of the rights granted under the original or amended Agreement.
- k. **Remedies Available for Breach of Agreement.** Failure of either Party to fully comply with the terms of this Agreement shall be considered a default and shall result in revocation of the R-4-DA-2003-1 zoning, and the respective property shall revert to R-1-12 zoning sixty days after written notice by the City of said default and failure to cure within said sixty days. Any construction on said property that does not comply with R-1-12 zoning shall thereafter be illegal and shall not be considered "nonconforming".

EXHIBIT 2 to ORDINANCE

- l. **No Remedy Exclusive.** The remedies specified in this Agreement are cumulative to one another and to other remedies in law and equity, and no remedy is exclusive. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient. To exercise any remedy specified in this Agreement it shall not be necessary to give any notice, other than such notice as set forth herein.
- m. **Binding Effect.** This Agreement shall be binding on and inure to the benefit of the parties and their heirs, personal representatives, successors, and to the extent permitted by Section (n), assigns.
- n. **Assignment of Agreement.** Except with the other party's written consent, a party may not assign any rights or delegate any duties under this Agreement, which consent shall not be unreasonably withheld.
- o. **Effect of Applicability and Implementation Upon Annexation.** This property is within the City of Grants Pass. Therefore applicability and implementation will be unaffected by annexation.

3. Discretionary Approvals Required; Review Body.

- a. This agreement is effective concurrent with and as part of the rezoning of the property.
- b. Development of the property requires Major Site Plan Review. Owner may also choose to modify property configurations, which may include right-of-way vacation and a property line adjustment. Owner shall apply for all required land use approvals and permits and pay applicable fees. Site Plan approval shall be consistent with the terms and conditions of this Agreement.
- c. Regardless of the review body specified in the Development Code, the Planning Commission shall be the review body for Site Plan Review for subject properties.

4. Supplemental Criteria. The property is important to the implementation of Comprehensive Plan Scenic Policy 3.1:

Scenic Policy 3.1: The City and County shall explore the creation of a scenic route and major gateway overlay designation on the UGB land use map. The scenic overlay shall be used to determine those major arterial routes through, and major entrances to, the City of Grants Pass and urbanizing areas frequented by the traveling public, where special landscaping or scenic effect is desired.

While no scenic route or gateway overlay has been established as described in Policy 3.1, proposed development shall be consistent with the intent of the Policy, as follows:

In addition to Site Plan Review criteria, Owners agree that the following additional criteria will be applicable:

EXHIBIT 2 to ORDINANCE

- a. Development of the property is in accordance with the R-4 zone and the modifications contained in this Development Agreement.
 - b. The review body shall determine that the proposed architectural design, color and materials, exterior illumination, landscaping treatment, site design, and relationship to the major "gateway" entry to Grants Pass are consistent with the intent of Comprehensive Plan Scenic Policy 3.1, and the natural and historical character of Grants Pass. The review body may require special design features, require special landscaping, or other requirements to ensure desired scenic effect. The BLM specifications attached as Exhibit "C" shall serve as guideline for minimum design standards.
 - c. The site design shall locate uses to eliminate the need for sound attenuation walls or barriers, which may not have a desired aesthetic appearance.
5. **Deadlines for Commencement of Construction and Completion of Phases or Entire Project.** Construction shall be commenced at least one year prior to expiration of this agreement, and completed prior to expiration of this Agreement.
6. **City Obligation to Expend Monies is Contingent on Future Appropriation as Part of Local Budget Process.** All City obligations to expend moneys under a Development Agreement are contingent upon future appropriations as part of the local budget process. Nothing in this agreement requires the city to appropriate any such monies.
7. **Assumptions for Service and Procedures for Change in Circumstances.** The subject property is inside the Grants Pass City limits, and is eligible to receive municipal services. City has adequate capacity to provide municipal services. Nothing in this Agreement modifies municipal services to be made available by City, or Owner's obligation to construct public improvement. However, this Agreement specifies that owner is obligated to construct, not defer, frontage improvements, where the Development Code may otherwise authorize deferral of some improvements.
8. **Entirety of Agreement.** This Agreement (including the exhibits) sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to such subject matter.
9. **Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
10. **Attorney Fees.** If suit or action is brought by either Party to enforce any right created by this Agreement, the prevailing Party shall be entitled to recover in any trial court, and appellate courts, reasonable attorney fees, including costs and disbursements therein.
11. **Amendment or Cancellation of Agreement; Enforceability.** Pursuant to ORS 94.522:
- a. This agreement may be amended or cancelled by mutual consent of the parties to the agreement or their successors in interest. The governing body shall amend or cancel a development agreement by adoption of an ordinance

EXHIBIT 2 to ORDINANCE

declaring cancellation of the agreement or setting forth the amendments tot the agreement.

- b. Until this Development Agreement is cancelled under this section, the terms of the Development Agreement are enforceable by any party to the agreement.

12. **Recording.** Pursuant to ORS 94.528, not later than 10 days after the execution of a development agreement under ORS 94.504 to 94.528, the City Council shall cause the Development Agreement to be presented for recording in the office of the Josephine County Clerk.

13. **Effective Date.** Parties shall execute Agreement within 30 days from passage of the enacting ordinance. This agreement shall be effective 30 days from the date the Grants Pass City Council adopts the enacting ordinance.

WE THE UNDERSIGNED have read and agree to the terms contained in this agreement

Executed this _____ Day of _____, 2003.

OWNER(S):

City:
City of Grants Pass, Oregon

Owner of Parcel 1:
Scenic I-5 LLC
An Oregon Limited Liability Company

Owner of Parcel 2:
City of Grants Pass, Oregon

By: _____
William A. Peterson, Jr.
City Manager

By: _____
James H. Armstrong
Authorized Member

By: _____
William A. Peterson, Jr.
City Manager

STATE OF OREGON)
)ss
County of Josephine)

Signed before me on the _____ day of _____

by _____

IN WITNESS WHEREOF I hereto set my hand and seal on this same date,

Notary Public for Oregon

My Commission Expires _____

j:\cd\planning\reports\2003\03-40500001_hrr-r-4 text amendment\development agreement december 29.doc

EXHIBIT "A"
TO DEVELOPMENT AGREEMENT #2003-1

Legal Description of Parcel 1:

The following real property in Josephine County, Oregon:

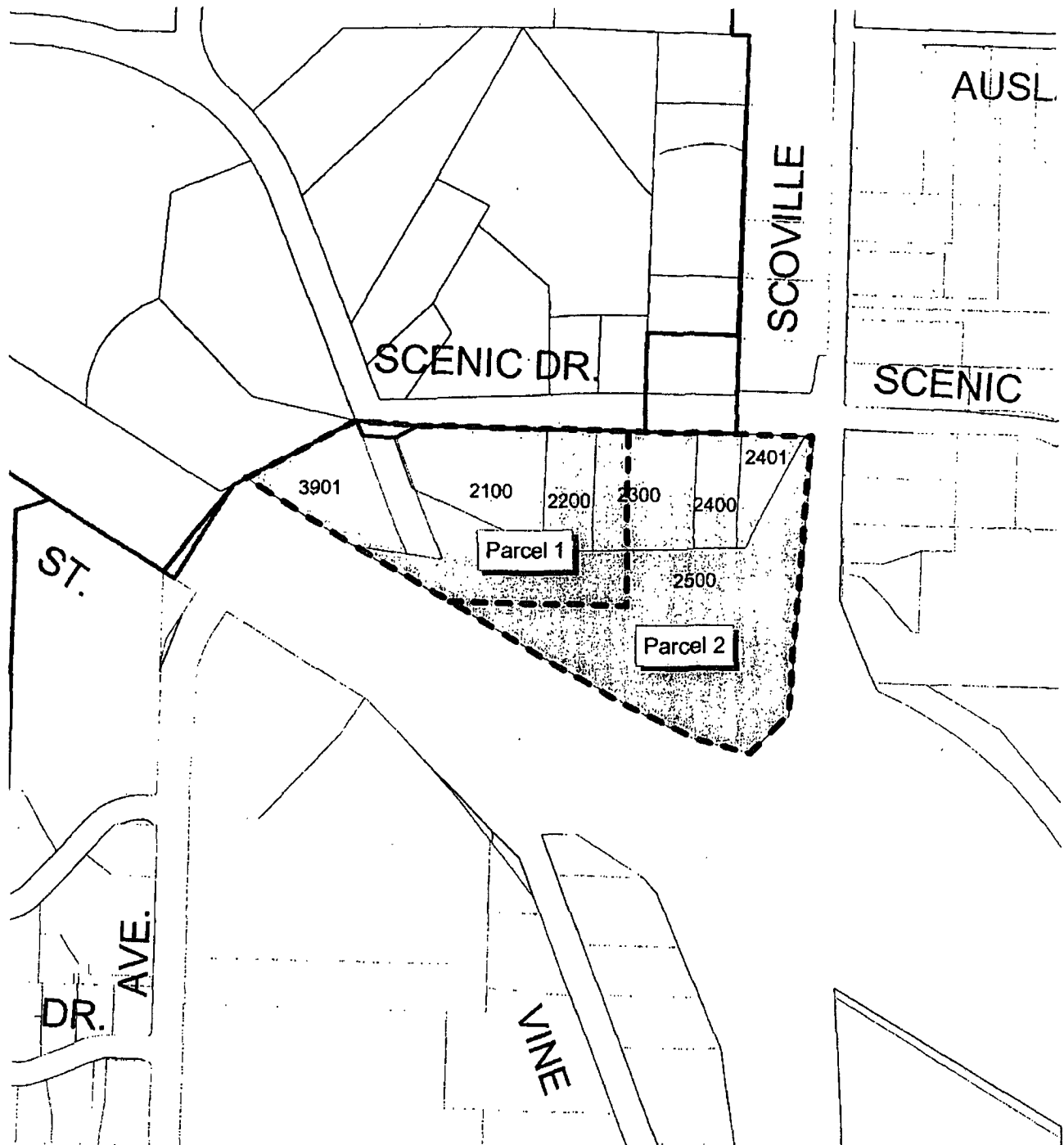
Parcel 1 of Partition Plat #04-_____

Legal Description of Parcel 2:

The following real property in Josephine County, Oregon:

Parcel 2 of Partition Plat #04-_____

EXHIBIT "B" TO DEVELOPMENT AGREEMENT #2003-1
36-5-5-CB/2100, 2200, 2300, 2400, 2401, 2500
36-5-6-00-3901



300 0 300 600 Feet



EXHIBIT "C" TO DEVELOPMENT AGREEMENT #2003-1

(b) The design of the space offered should demonstrate modern architectural design. The designer is challenged to create a unique solution responsive to the program, setting and context of the project.

The facade of the building shall be of high quality, durable material acceptable to the Contracting Officer. The massing of the building should be varied and offer architectural relief with appropriate fenestration. The building should be compatible with its surroundings. Overall, the building should project a professional and aesthetically pleasing appearance including an attractive, well-defined, main entrance.

*Metal buildings and/or metal building exteriors are not acceptable.

*Metal architectural panels are not acceptable.

*EIFS systems (dryvit) building exteriors are not acceptable.

*EIFS (dryvit) architectural panels are not acceptable.

The roof over the office and warehouse area shall have a minimum slope of not less than 2:12. Rain gutters and downspouts or other adequate means of drainage must be provided. [Any alternative proposal regarding roof slope and/or materials must meet local code and be approved by the Contracting Officer.]

A standing seam or batten metal roof meeting the following specification is acceptable:

(1) Acceptable material and minimum thickness of sheets:

Galvanized Steel: 24 gauge

Aluminum: 32 gauge

(2) Finishes:

Kynar 500

Copper

Temp coated steel

(3) Seaming Systems:

Snap-Lock system

Batten seam

Standing seam

"Z"-Lock system

*NOTE: Exposed fasteners are not acceptable.

(4) Substrate: Solid 5/8" plywood sheathing

(5) Insulation: Minimum R- 50

(6) Wind Uplift Rating: Must meet UL Class 90

(7) Manufactured by or equivalent to:

AEP

Berridge

Merchant & Evans

PAC Clad

Vincent Metal

*NOTE: The Contracting Officer must approve any metal roof.

(c) Adjoining storage and warehouse space is preferred with the office space; it must have the same exterior finish. Detached buildings proposed for storage and warehouse space must also be modern, high quality structures, of sound and substantial material and construction suitable for the intended use. The Contracting Officer must approve any detached building proposals.

1.6. LANDSCAPING

Where new construction is proposed, detailed landscape development drawings prepared by a landscape architect are required. Drawings submitted with the offer must include a planting plan with a detailed planting schedule and a basic sprinkler system design. The sprinkler system must include an approved backflow prevention device. The backflow prevention device must be tested in accordance with the last paragraph of FIRE AND SAFETY GENERAL REQUIREMENTS herein.

The construction drawings and specifications submitted by the successful Offeror must include the following: complete planting plans, sprinkler plan, and pedestrian plan. These shall be accompanied by any necessary details to support the construction of these elements or any other associated site amenities (i.e., fountains, benches, picnic tables, retaining walls, stairs, waste receptacles, etc.).

Plants selected shall be in character with the project site plant communities. Plants selected shall be nursery propagated from sources as close as practicable to the project area. Native plants collected from existing indigenous populations shall not be used unless they are salvaged from an area where they would otherwise be destroyed in the near-term. Where native plant seeds are to be used for federal projects, they should be unadulterated by other plant species. Lessor shall use landscaping products with recycled content as required by EPA's Comprehensive Procurement Guidelines for landscaping products. (www.epa.gov/cpr).

All landscaped areas shall be watered by means of a fully automatic underground sprinkling system. Landscaped areas shall be maintained throughout the year. Maintenance includes, but is not limited to mowing, weeding, fertilizing, pruning, supplemental watering and applications of necessary herbicides, fungicides, and pesticides. Landscape management practices shall prevent pollution by:

- (a) Employing practices which minimize the need for fertilizers and pesticides,
- (b) Prohibiting the use of 2,4D and organophosphates, and
- (c) Composting/recycling all yard waste.

In addition, all landscaped areas shall be kept free of litter (i.e., seasonal debris, trash, etc.). Any dead or dying plant material shall be replaced promptly with plants of a similar size and similar variety approved by the Contracting Officer.

Ordinance amending Grants Pass Municipal
Code, Chapter 6.34 of the Grants Pass Uniform
Item: Traffic Code relating to sidewalks.

Date: October 3, 2007

RECOMMENDED ACTION:

It is recommended the Council adopt the Ordinance.

PROCEDURE:

Follow the procedure to amend the code regarding sidewalks.

BACKGROUND:

In today's litigious environment there is an increase in the probability of a lawsuit due to trip, slip or fall accident on city sidewalks. To reduce or control the financial burden that sidewalk liability claims can create upon our budget, it has been recommended we add language to our Municipal Code clearly stating it is the adjoining property owner's responsibility to repair and clear sidewalks and reflecting the historic practice of the City.

Upon initial review of this Municipal Code Chapter for the above stated reason, Staff observed that the section was dated and should be reviewed and brought current.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council goal of **MANAGEMENT** by clarifying responsibilities for sidewalk repair and maintenance.

COST IMPLICATION:

None. This does not reflect a change; it is a clarification.

ITEM: 2.c. ORDINANCE AMENDING GRANTS PASS MUNICIPAL CODE,
CHAPTER 6.34 OF THE GRANTS PASS UNIFORM TRAFFIC CODE
RELATING TO SIDEWALKS

Chapter 6.34

SIDEWALKS

(Ord. 3713 §1, 1970; Ord. 3713 §3(3), 1970; Ord. 3713 §4, 1970; Ord. 3713 §6, 1970; Ord. 4429 §1, 1981; Ord. 3713 §7, 1970; Ord. 4429 §2, 1981; Ord. 3713 §8, 1970; Ord. 4429 §3, 1981; Ord. 3713 §9, 1970)

Sections:

- 6.34.010 Definitions.
- 6.34.020 ~~Permit Requirement.~~ **Duty to Repair and Clear Sidewalks.**
- 6.34.030 ~~Permit Application.~~ **Standards and Specifications.**
- 6.34.040 ~~Permit Issuance.~~ **Permit – Requirement.**
- 6.34.050 ~~Permit Contents.~~ **Supervision.**
- 6.34.060 ~~Supervision.~~ **Required Sidewalk or Driveway Repairs--Notice to Property Owner.**
- 6.34.070 ~~Standards and Specifications.~~ **City May Make Repairs.**
- 6.34.080 ~~Required Sidewalk or Driveway Repairs--Notice to Property Owner.~~
- 6.34.090 ~~City May Make Repairs.~~ **Cost of Repair--A Lien--Foreclosure.**
- 6.34.100 ~~Cost of Repair--A Lien--Foreclosure.~~ **Prohibited Projections in Public Way**
- 6.34.110 ~~Prohibited Projections in Public Way.~~
- 6.34.120 ~~Sidewalk Café~~ Eliminated due to no actual language

6.34.010 Definitions.

For the purposes of this chapter, unless the context requires otherwise, the following words shall have the meanings set forth below:

- A. "City Manager" means the City Manager or person authorized by the City Manager.
- B. "Driveway" means that part of the street right of way between curb lines or the lateral lines of a roadway and the adjacent property lines that provides for controlled access of vehicles to property abutting the public right of way. ~~The movement of vehicles over this controlled access is at approximate right angle to the public right of way boundary.~~
- C. "Person" means a natural person, firm, corporation, or other legal entity.
- D. "Sidewalk" means the part of the street right of way between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.
- E. "Sidewalk Café" means the placement of tables and chairs within the public right of way adjacent to an eating and drinking establishment in order to serve food and beverages, which may include alcohol, if a valid license is obtained, to patrons of the establishment. Sidewalk cafes are only allowed in the Central Business District.

6.34.020 Permit—Requirement Duty to Repair and Clear Sidewalks.

It is the duty of the owners of land adjoining any street to maintain in good repair and to remove obstructions from the adjacent sidewalk and driveway.

- A. The owner of real property responsible for maintaining the adjacent sidewalk and driveway shall be primarily liable to any person injured because of any negligence of such person in failing to maintain the sidewalk and driveway in good condition.
- B. If the City is required to pay damages for the injury to persons or property caused by the failure of the owner to perform the duty which this section imposes, such owner shall compensate the City for the amount of the damages thus paid, plus court costs and fees incurred by the City. The City may maintain an action in any court of competent jurisdiction to enforce the provisions of this Section.

6.34.070 .030 Standards and Specifications.

- A. The Council, by resolution or otherwise, shall adopt standards and specifications for constructing, repairing, or altering a sidewalk or driveway, and such standards and specifications shall be filed in the offices of the City Engineer and the City Auditor for the use of the public.
- B. Sidewalks and driveways shall be constructed, repaired, or altered in accordance with applicable standards and specifications.

6.34.020 040 Permit -- Requirement.

- A. No person may construct, repair, or alter a sidewalk or driveway without first applying for a permit with the City Manager **obtaining a permit from the City. The ordinance does not relieve applicant from any other permit or other requirements of other agencies or institutions.**
- B. ~~Construction, repair, or alteration of a sidewalk or driveway shall conform to the provisions and requirements of this chapter and to the general standards and specifications established by resolution of the common council as provided by Section 6.32.070.~~

6.34.030 Permit—Application.

- B. A person shall file his **An** application for a permit **shall be filed with the City Manager** to construct, repair, or alter a sidewalk or driveway with the City Manager on forms provided by the City, **together with such other information as may be required by the City.**
- C. **If the proposed sidewalk or driveway improvement conforms to the applicable standards and specifications, the City Manager shall issue**

a permit to the applicant. The repair of the sidewalk or driveway shall be completed prior to expiration of the permit or at such other time as stated on the permit

- D. Application for a permit to operate a sidewalk café shall be in accordance with Chapter 6.47 of the Municipal Code.

6.34.040 Permit Issuance.

~~If the proposed sidewalk or driveway improvement conforms to the applicable standards and specifications, the City Manager shall issue a permit to the applicant.~~

6.34.050 Permit Contents.

~~The permit shall prescribe the type of repair permitted, the materials, and the specifications to be used. If the City is requiring the repair of the sidewalk or driveway, the permit shall state the date within which the repair shall be completed.~~

6.34.060 050 Supervision.

The City Manager may inspect any materials ~~and~~ or construction details as in his judgment may be required to insure compliance with the permit and with applicable standards and specifications.

6.34.080 060 Required Sidewalk or Driveway Repairs--Notice to Property Owner.

- A. When the City Manager determines that a sidewalk or driveway needs repair, the City Manager shall issue a notice and prepare a certified copy of the notice. The notice shall require the owner of the property adjacent to the sidewalk or driveway needing repair to obtain a permit and to start complete repair of the defective sidewalk or driveway within 30 days from the date of the service of notice, and to complete the repair within 60 days from the date of service of the notice. Such 30 and 60 day requirement may be extended in writing by the City Manager. The notice shall also state that in the event the repairs or alterations are not made by the owner within the time limit stated, the City may repair or alter the sidewalk or driveway, and the cost and expenses of the repair or alteration will become a lien on the lot and premises of the owner.
- B. The City Manager shall cause a certified copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk or driveway, or the notice may be served by registered or certified mail, return receipt requested and returned. If, after diligent search, the owner cannot be identified or located, or if the aforementioned notice sent by registered or certified mail is refused, then in that case the City Manager shall cause a certified copy of the notice to be posted in a conspicuous place on the property and such posting of notice shall have

the same effect as service of notice as indicated above.

- C. Immediately after making service of the notice to repair, the person making such service shall make a written return or certificate of service, noting time, place and manner of service of notice. The original notice and the return or certificate of service shall be kept on file as a permanent record of the City.

6.34.090-070 City May Make Repairs.

- A. If repair or alteration of the sidewalk or driveway is not completed within 60 days after the date of service of the notice to repair or alter, or within a permitted extension thereof, the City Manager may have the sidewalk or driveway repaired or altered or the work completed at a reasonable cost.
- B. The City's reasonable cost shall include a sum of not to exceed 15% for engineering and administration in connection with the alteration of repairs.
- C. When the statement of cost of the repair or alteration has been prepared, a copy of the statement with a request for payment shall be mailed to the owner. The mailing of such statement is not a condition to liability of the owner of the placing of a lien upon the property by the City.

6.34.400-080 Cost of Repair--A Lien--Foreclosure.

After entry in the Lien Docket, the City has a lien which is due and payable. The lien shall be for the full amount of the costs and expenses incurred by the City in making the repair, plus 15% for engineering and administration, together with interest at 12% per annum on the amount due from the date of entry of the lien in the Lien Docket. The City may proceed to foreclose the lien in the manner provided by ORS 223.505 through 223.590, or by ORS 223.605 through 223.650.

6.34.440-090 Prohibited Projections in Public Way.

No person may construct, maintain, or permit a water service pipe, gas pipe, fuel pipe, conduit or similar device which interferes with the use of the sidewalk or driveway by projecting into public property above the surface of the parking strip or sidewalk or driveway, or by projecting out of the wall of a building or structure in such a way as to interfere with the use of the public property.

ORDINANCE NO.

**AN ORDINANCE AMENDING GRANTS PASS MUNICIPAL CODE, CHAPTER 6.34
OF THE GRANTS PASS UNIFORM TRAFFIC CODE RELATING TO SIDEWALKS**

WHEREAS:

1. The City of Grants Pass staff recognizes the need to amend Chapter 6.34 of the Grants Pass Municipal Code to include a section titled Duty to Repair and Clear Sidewalks for liability purposes.
2. The City should periodically review and revise dated Code provisions.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

The language of Chapter 6.34 is hereby amended to the Grants Pass Municipal Code as set forth in Exhibit "A" which is attached and incorporated herein.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 3rd day October, 2007.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this ____ day of October, 2007

Len Holzinger, Mayor

ATTEST:

Administrative Services Director

Date submitted to Mayor: _____

Approved as to Form, Kris Woodburn, City Attorney KLW

Chapter 6.34

SIDEWALKS

(Ord. 3713 §1, 1970; Ord. 3713 §3(3), 1970; Ord. 3713 §4, 1970; Ord. 3713 §6, 1970; Ord. 4429 §1, 1981; Ord. 3713 §7, 1970; Ord. 4429 §2, 1981; Ord. 3713 §8, 1970; Ord. 4429 §3, 1981; Ord. 3713 §9, 1970)

Sections:

- 6.34.010 Definitions.
- 6.34.020 Duty to Repair and Clear Sidewalks.
- 6.34.030 Standards and Specifications.
- 6.34.040 Permit – Requirement.
- 6.34.050 Supervision.
- 6.34.060 Required Sidewalk or Driveway Repairs--Notice to Property Owner.
- 6.34.070 City May Make Repairs.
- 6.34.080 Cost of Repair--A Lien--Foreclosure.
- 6.34.090 Prohibited Projections in Public Way

6.34.010 Definitions.

For the purposes of this chapter, unless the context requires otherwise, the following words shall have the meanings set forth below:

- A. "City Manager" means the City Manager or person authorized by the City Manager.
- B. "Driveway" means that part of the street right of way between curb lines or the lateral lines of a roadway and the adjacent property lines that provides for controlled access of vehicles to property abutting the public right of way.
- C. "Person" means a natural person, firm, corporation, or other legal entity.
- D. "Sidewalk" means the part of the street right of way between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.
- E. "Sidewalk Café" means the placement of tables and chairs within the public right of way adjacent to an eating and drinking establishment in order to serve food and beverages, which may include alcohol, if a valid license is obtained, to patrons of the establishment. Sidewalk cafes are only allowed in the Central Business District.

6.34.020 Duty to Repair and Clear Sidewalks.

It is the duty of the owners of land adjoining any street to maintain in good repair and to remove obstructions from the adjacent sidewalk and driveway.

- A. The owner of real property responsible for maintaining the adjacent sidewalk and driveway shall be primarily liable to any person injured because of any negligence of such person in failing to maintain the sidewalk and driveway in good condition.
- B. If the City is required to pay damages for the injury to persons or property caused by the failure of the owner to perform the duty which this section imposes, such owner shall compensate the City for the amount of the damages thus paid, plus court costs and fees incurred by the City. The City may maintain an action in any court of competent jurisdiction to enforce the provisions of this Section.

6.34.030 Standards and Specifications.

- A. The Council, by resolution or otherwise, shall adopt standards and specifications for constructing, repairing, or altering a sidewalk or driveway, and such standards and specifications shall be filed in the offices of the City Engineer for the use of the public.
- B. Sidewalks and driveways shall be constructed, repaired, or altered in accordance with applicable standards and specifications.

6.34.040 Permit -- Requirement.

- A. No person may construct, repair, or alter a sidewalk or driveway without first obtaining a permit from the City. The ordinance does not relieve applicant from any other permit or other requirements of other agencies or institutions.
- B. An application for a permit shall be filed with the City Manager to construct, repair, or alter a sidewalk or driveway on forms provided by the City, together with such other information as may be required by the City.
- C. If the proposed sidewalk or driveway improvement conforms to the applicable standards and specifications, the City Manager shall issue a permit to the applicant. The repair of the sidewalk or driveway shall be completed prior to expiration of the permit or at such other time as stated on the permit.
- D. Application for a permit to operate a sidewalk café shall be in accordance with Chapter 6.47 of the Municipal Code.

6.34.050 Supervision.

The City Manager may inspect any materials or construction details as in his judgment may be required to insure compliance with the permit and with applicable standards and specifications.

6.34.060 Required Sidewalk or Driveway Repairs--Notice to Property Owner.

- A. When the City Manager determines that a sidewalk or driveway needs repair, the City Manager shall issue a notice and prepare a certified copy of the notice. The notice shall require the owner of the property adjacent to the sidewalk or driveway needing repair to obtain a permit and to start complete repair of the defective sidewalk or driveway within 30 days from the date of the service of notice, and to complete the repair within 60 days from the date of service of the notice. Such 30 and 60 day requirement may be extended in writing by the City Manager. The notice shall also state that in the event the repairs or alterations are not made by the owner within the time limit stated, the City may repair or alter the sidewalk or driveway, and the cost and expenses of the repair or alteration will become a lien on the lot and premises of the owner.
- B. The City Manager shall cause a certified copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk or driveway, or the notice may be served by registered or certified mail, return receipt requested and returned. If, after diligent search, the owner cannot be identified or located, or if the aforementioned notice sent by registered or certified mail is refused, then in that case the City Manager shall cause a certified copy of the notice to be posted in a conspicuous place on the property and such posting of notice shall have the same effect as service of notice as indicated above.
- C. Immediately after making service of the notice to repair, the person making such service shall make a written return or certificate of service, noting time, place and manner of service of notice. The original notice and the return or certificate of service shall be kept on file as a permanent record of the City.

6.34.070 City May Make Repairs.

- A. If repair or alteration of the sidewalk or driveway is not completed within 60 days after the date of service of the notice to repair or alter, or within a permitted extension thereof, the City Manager may have the sidewalk or driveway repaired or altered or the work completed at a reasonable cost.
- B. The City's reasonable cost shall include a sum of not to exceed 15% for engineering and administration in connection with the alteration of repairs.

- C. When the statement of cost of the repair or alteration has been prepared, a copy of the statement with a request for payment shall be mailed to the owner. The mailing of such statement is not a condition to liability of the owner of the placing or a lien upon the property by the City.

6.34.080 Cost of Repair--A Lien--Foreclosure.

After entry in the Lien Docket, the City has a lien which is due and payable. The lien shall be for the full amount of the costs and expenses incurred by the City in making the repair, plus 15% for engineering and administration, together with interest at 12% per annum on the amount due from the date of entry of the lien in the Lien Docket. The City may proceed to foreclose the lien in the manner provided by ORS 223.505 through 223.590, or by ORS 223.605 through 223.650.

6.34.090 Prohibited Projections in Public Way.

No person may construct, maintain, or permit a water service pipe, gas pipe, fuel pipe, conduit or similar device which interferes with the use of the sidewalk or driveway by projecting into public property above the surface of the parking strip or sidewalk or driveway, or by projecting out of the wall of a building or structure in such a way as to interfere with the use of the public property.

Ordinance creating a developer installed
Advance Financing District, "CC4799 Davis
Subdivision: Water & Storm Drain Improvements
Item: in Medart Lane"

Date: October 3, 2007

RECOMMENDED ACTION:

It is recommended the advance finance district for Davis Subdivision be approved.

PROCEDURE:

Follow procedure for adoption of an Ordinance.

BACKGROUND:

Staff recommends that Council adopt an ordinance for a water and storm drain Advance Financing District for Davis Subdivision. This project installed water and storm drain improvements in Medart Lane from Redwood Highway south approximately 311 feet (Exhibit A).

Historically, the triggers for repayment have been the following: 1) New home construction, 2) 50% or more expansion of existing home, 3) Land partition, 4) Construction of 2nd unit, 5) Application for water service, or 6) Issuance of a development permit for a commercial development.

Each assessment is considered to be separate from each other. (For example, if a property owner submits an application for water service, only the water AFD portion would be required to be paid and other AFDs would not have to be paid until utilized).

City Staff has prepared final costs for the Advance Financed District and notified the existing property owners.

A map of the boundary (Exhibit A) for the District and the payback for the properties (Exhibit B) are attached.

RELATIONSHIP TO COUNCIL GOALS:

This assists with the Council Goal of **MANAGEMENT** by completing the process for the advance finance district.

COST IMPLICATION:

Expenditures for improvements may be returned to the Developer as properties in the district develop and/or connections to water are made.

ITEM: 2.d. ORDINANCE CREATING A DEVELOPER INSTALLED ADVANCE FINANCING DISTRICT, "CC4799 DAVIS SUBDIVISION: WATER & STORM DRAIN IMPROVEMENTS IN MEDART LANE."

ORDINANCE NO.

ORDINANCE CREATING A DEVELOPER INSTALLED ADVANCE FINANCED DISTRICT (AFD) "CC4799 – DAVIS SUBDIVISION AFD: WATER & STORM DRAIN IMPROVEMENTS IN MEDART LANE."

WHEREAS CERTAIN WATER AND STORM DRAIN IMPROVEMENTS INSTALLED IN MEDART LANE BENEFIT ADJACENT PROPERTIES HERETOFORE NOT SERVED BY THESE PUBLIC IMPROVEMENTS, AND

WHEREAS A PUBLIC HEARING HAS BEEN NOTICED AND HELD PURSUANT TO MUNICIPAL CODE CRITERIA.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: The City Council hereby finds and determines the water and storm drain improvements in Medart Lane are recognized as Advance Financed Improvements and a portion of the costs thereof are reimbursable by those properties to be specially benefitted by said improvements.

Section 2: The Council finds that notice of a public hearing and commencement of said hearing pursuant to Municipal Code criteria has occurred.

Section 3: The Council hereby determines there is created an Advance Financing District and said District shall be known as Advance Financed District "CC4799 – Davis Subdivision AFD: Water & Storm Drain Improvements in Medart Lane" which includes all of the properties described on the map marked Exhibit "A", which is attached hereto and incorporated herein. Said District shall continue for a period of 15 years.

Section 4: The Council determines the properties to be specially benefitted by said improvements shall be those applying for water service. The amount of reimbursement is set forth in Exhibit "B" which reflects the final costs for the installation of water and storm drain, which exhibit is attached hereto and incorporated herein. Exhibit "B" is based upon dividing the final total cost of the improvements by the front footage and acreage of properties in the Advance Financed District. These amounts shall be due and payable upon application for a water service.

Section 5: The Council also determines the properties to be specially benefited by water and storm drain improvements in Medart Lane shall be those that apply for a building permit for greater than 50% expansion of an existing residence, or when a development permit is issued, or upon application for a water service. The amount of the water and storm drain reimbursement is set forth in Exhibit B, which reflects the final costs for the installation of water and storm drain. The water and storm drain improvement costs are due and payable upon application for a water service, or application for a building permit for greater than 50% expansion of an existing residence, or when a development permit is issued.

Section 6: The Council further determines that repayment from the benefitted properties shall be increased by an annual Construction Index Rate calculated from the date the Council adopts this ordinance to the date of payment of the reimbursement pursuant to 9.40.095 of the Municipal Code.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 3rd day of October, 2007.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of October, 2007.

Len Holzinger, Mayor

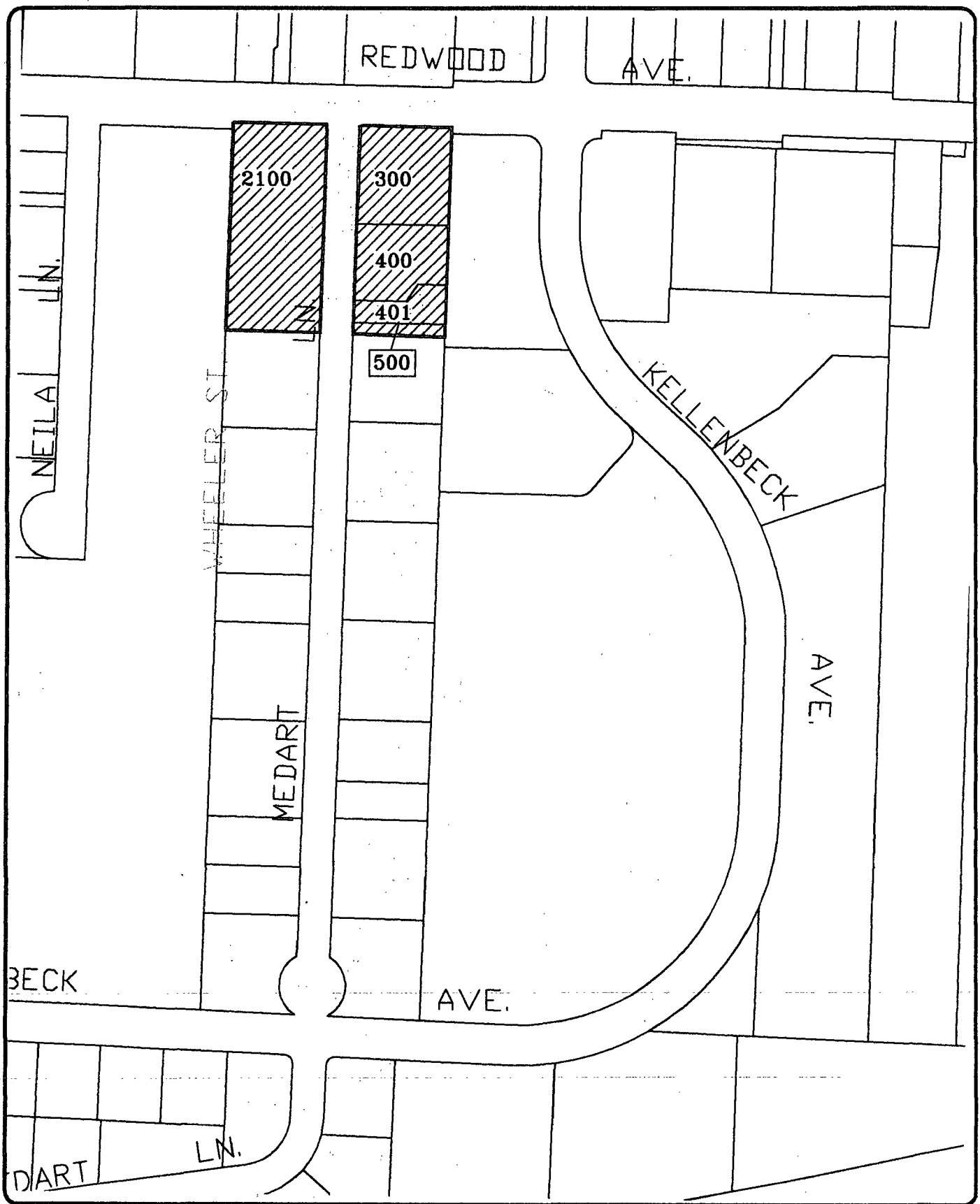
ATTEST:

Date submitted to Mayor: _____

Administrative Services Director

Approved as to Form, Kris Woodburn, City Attorney: _____

KLW



City of
Grants Pass

DATE 2-25-05

DWN FMS

DES _____

REV _____

City of Grants Pass
DAVIS SUBDIVISION
WATER AND STORM DRAIN
ADVANCE FINANCE DISTRICT
CC4779



1" = 100'

**DAVIS SUBDIVISION WATER/STORM DRAIN
ADVANCED FINANCING DISTRICT
CC4799**

Exhibit "B"

PROPERTY OWNER	MAP & TAX LOT #/	FRONT FOOTAGE	ACRGE	WATER IMPROVEMENTS	STORM DRAIN IMPROVEMENTS	TOTAL AFD AMOUNT
Smith, Glenn & Majel 1628 NW 8th Street McMinnville OR 97128	36-06-23-43/300	148	0.46	\$6,181.95	\$4,891.86	\$11,073.81
Azamar, Alfredo 1621 Medart Lane Grants Pass OR 97527	36-06-23-43/400	115	0.33	\$4,620.94	\$3,656.62	\$8,277.56
Wardlaw, Glen & Tricia 891 Three Pines Road Grants Pass OR 97526	36-06-23-43/401	33	0.13	\$1,561.00	\$1,235.24	\$2,796.25
Monday, Bill & Jennifer 1633 Medart Lane Grants Pass OR 97527-6208	36-06-23-43/500	15	0.05	\$649.04	\$513.59	\$1,162.63
Preferred Realty Investments 1443 Brittany Court Grants Pass OR 97527	36-06-23-43/2100	311	1.00	\$13,212.61	\$10,455.33	\$0.00
Water Imp Total		622	1.97	\$26,225.54	\$0.00	
Storm Drain Imp Total		622	1.97	\$0.00	\$20,752.64	
						\$23,310.24

Total Water Costs
1/2/ Cost per Front Foot \$26,225.54
1/2/ cost per acre \$21.08
 \$6,656.23

Total Storm Drain Costs
1/2/ Cost per Front Foot \$20,752.64
1/2/ cost per acre \$16.68
 \$5,267.17

Motion to direct auditors to perform agreed upon
procedure engagements as selected from
Item: recommendations from Pauly, Rogers and Company Date: October 3, 2007

RECOMMENDED ACTION:

It is recommended the Council evaluate the suggested agreed upon procedure engagements and direct the auditors to perform special audits in selected areas.

PROCEDURE:

Follow the procedure for a Resolution.

BACKGROUND:

For the last two years, the audit firm of Pauly, Rogers and Co. has been directed by the Council to perform agreed upon procedure engagements, special audits. The first special audit was to confirm appropriate fees and charges for development related activities were collected and administered and that the associated services resulting from development were established and billed appropriately. Last year the auditors did an analysis of JO-GRO™ processing and their related internal controls, an analysis of the Redwood Sanitary Sewer District billing process, and business licensing processes and their related internal controls.

Attachment A is a letter from Kenny Allen from the audit firm of Pauly, Rogers. It contains a list of items that the firm believes may be helpful to review, with a recommendation to perform items #1 and #6. Highlighted in yellow are the areas the staff recommends. The comments in red give an indication of revenues budgeted to be received in FY'08. Mr. Allen has provided a cost estimate with each item. Council has the flexibility of spending up to twenty thousand dollars budgeted in FY'08.

RELATIONSHIP TO COUNCIL GOALS:

Directly implements the Council goal of **MANAGEMENT** by ensuring financial records and systems are effective.

COST IMPLICATION:

The FY'08 budget has approved \$20,000 for special audits.

ITEM: 2.e. MOTION TO DIRECT AUDITORS TO PERFORM AGREED UPON
PROCEDURE ENGAGEMENTS AS SELECTED FROM
RECOMMENDATIONS FROM PAULY, ROGERS AND COMPANY



PAULY, ROGERS AND CO., P.C.
CERTIFIED PUBLIC ACCOUNTANTS

• 12700 S.W. 72nd Avenue • Tigard, Oregon 97223 • (503) 620-2632 • FAX (503) 684-7523 •

August 14, 2007

City Council
City of Grants Pass, Oregon

Dear Council,

Thanks for your continued interest in having us perform agreed upon procedure engagements that will expand upon the financial audit. None of the areas listed below are areas that we found to have problems. However, as you well know, we only review material/significant controls in the accounting process, and a limited procedure engagement will be significantly more detailed than the financial audit, and may provide a good list of recommendations.

The fees below are just estimates and if significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional cost. We do not foresee this occurring, but occasionally when you dig into an area certain issues may arise that would cause our costs to exceed our estimate. We will bill these services at a blended rate of \$90/hour.

Below is the list of items that we that our firm believes may be helpful to review. For the current year procedures, we recommend performing items #1, and # 6.

1.

Topic: The City may want us to audit some businesses that pay franchise fees to the City. We know that Southern Oregon Sanitation is a local business that pays a significant amount of monies to the City. We would audit the records at Southern Oregon Sanitation as it relates to the amount of franchise fees they pay to the City to give reasonable assurance that the numbers are accurate.

Franchise fees make up 30% of the General Support Revenues budget of \$8,120,061. Southern Oregon Sanitation is 1.2% of that budget. The City is currently part of a joint statewide audit of Qwest Corporation through OMARC (Oregon Municipal Audit Review Committee).

Procedures: We would review the records at Southern Oregon Sanitation, and their processes to determine that the correct amounts were remitted during FY 06-07. We would also select 45 known clients of Southern Oregon Sanitation and ensure that they

are accounted for properly on their books, and that all franchise monies for those clients are remitted to the City.

Cost and Auditor Perceived Risk: The cost is difficult to determine since the records of SOS could be very easy to audit or not. A rough estimate of cost would be \$5,500 - \$8,000. However, we will track our time hourly and only bill the City for the amount worked and it will not exceed \$8,000 without us discussing it with the City.

2.

Topic: The City may want to consider increasing the number of Hotel Transient Room Tax (TRT) audits that are performed by the auditors. Currently we audit 5 hotels per year.

Procedures: Our procedures would be the same as detailed in our normal TRT agreed upon procedure report.

Transient Room Tax revenues are budgeted at \$1,068,177, 1.7% of the \$65,606,626 in resources budgeted in FY'08 for the City.

Cost and Auditor Perceived Risk: The cost would be \$500 per hotel. Our experience with all the different cities that have TRT's, is that this is a high risk (however, not material) area since compliance is based on the self reporting of the hotels. The main benefit here is that the community would know that there is an increased auditor presence as it relates to the TRT taxes.

3.

Topic: We could review expenditures related to taxable fringe benefits. Currently, the IRS is starting to audit many governmental entities for compliance with taxable fringe benefits including: employee reimbursements, travel reimbursements, personal use of vehicles, cell phone allowances, relocation expenses, and others. The IRS presence in auditing governments is new within the last year, and it is unknown whether they will focus on areas outside of the Portland area.

This review would assist the City in determining any additional taxable fringe benefits that should be part of payroll processing.

Procedures: We would review a sample of 45 employee reimbursements, as well as have discussions with staff regarding the procedures used at the City. If we find deviations within that population, we will discuss with the Council if they want us to increase the sample size and cost of the engagement. We will also review policies and procedures to ensure that they are strict enough to meet IRS requirements.

Cost and Auditor Perceived Risk: The cost of this engagement would be \$4,400. The risk here is that the IRS would declare some of the employee reimbursements as wages. That would cause the employee to have to receive an amended W-2, and pay taxes on

these wages. The City would have to pay their portion of the FICA on these wages, and possibly other penalties/fines that the IRS may charge.

4.

Topic: We could review the new SDC charges to ensure that the correct fees are being charged.

The budget for SDC charges for FY'08 is \$4,653,245. This is 34.5% of the capital budget for fees and charges.

Procedures: We would sample 45 transactions to ensure that the correct fees were charged for SDC's. If we find deviations within that population, we will discuss with the Council if they want us to increase the sample size and cost of the engagement.

Cost and Auditor Perceived Risk: The cost of this engagement would be \$1,900. The billing cycle is audited during our normal audit procedures, and we always test new fees to ensure that they are being calculated correctly. This procedure would just expand upon our current audit testing.

5.

Topic: We could review the new backflow prevention ~~installation~~ inspection charges to ensure that the correct fees are being charged.

The City currently charges utility customers with backflow devices \$2 per month per device to cover inspection of the device by City staff. In FY'08, \$49,500 is budgeted for backflow devices, 23% of Water Distribution's budgeted revenue.

Procedures: We would review a sample of 45 transactions for the new backflow prevention devices that are being installed. If we find deviations within that population, we will discuss with the Council if they want us to increase the sample size and cost of the engagement. We will also interview staff involved with this area and determine what controls are currently in place. We would then recommend controls that would improve the internal control structure.

Cost and Auditor Perceived Risk: The cost of this engagement would be \$1,800. Although there is not a significant amount of revenues in this area, this is a new service and it may be worth while to ensure that a good system is in place to track these transactions.

6.

Topic: We could review the parking ticket revenue cycle and determine that fees were calculated correctly and that proper internal controls are in place.

Parking violation revenue is part of the Downtown Development Services budget. It accounts for 6% of the current resources budget of \$142,429.

Procedures: We would take a sample of 25 transactions. If we find deviations within that population, we will discuss with the Council if they want us to increase the sample size and cost of the engagement. We will also interview staff involved with this area and determine what controls are currently in place. We would then recommend controls that would improve the internal control structure.

Cost and Auditor Perceived Risk: The cost of this engagement would be \$1,900. The risk here is low due to the fact that parking ticket revenues are around \$10k per year. But the low cost of the engagement may be worth tightening up controls. We always find that most errors are done on the periphery of the accounting processes.

7.

Topic: We could assist the City in developing a rough estimate of their potential liability for future expenditures for postretirement benefits. Currently there is no requirement under GASB standards to accrue a liability for these benefits. However, GASB 45 was issued that requires an actuarial valuation be done and a liability be accrued on the government wide financial statements. The City is required to implement GASB 45 in the 2008-09 fiscal year.

Anticipating the upcoming GASB 45 requirements, the City has engaged the services of an actuary to do the actuarial valuation.

Procedures: We would work with staff and develop a list of current retirees receiving benefits and calculate how much will be owed to these retirees. We would also review current employees who are likely to be eligible for this benefit, and do a rough calculation of the likelihood that these employees will meet the criteria, and then calculate a liability for these employees. Please note that we are not actuaries, and an actuary may come at a significantly different estimate.

Cost and Auditor Perceived Risk: The cost of this would be \$4,700. The only risk here is that the City's government wide net assets will not reflect the future liability. This liability will need to be posted no later than the 2008-09 fiscal year.

8.

Topic: We can review the City's inventory system and controls over protecting the City's inventory.

Procedures: We will select 25 inventory transactions to ensure that they were properly accounted for in the City's system. If we find deviations within that population, we will discuss with the Council if they want us to increase the sample size and cost of the engagement. We will also interview staff involved with this area and determine what controls are currently in place. We would then recommend controls that would improve the internal control structure.

Cost and Auditor Perceived Risk: The cost of this would be \$3,300. Per City staff the City normally doesn't carry more than around \$30,000 in inventory at a time, but the amount of inventory that flows through in a year is significant. In our financial audit we perform transactional tests in this area, but since the account balance is not significant at year end we perform only limited tests of the year end inventory balances.

Thank you for your continued business. If I can clarify or expand upon any of the above items, please feel free to call or e-mail me. Thanks again for your time and we look forward to hearing back from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Allen". The signature is fluid and cursive, with the first name "Kenny" and last name "Allen" clearly distinguishable.

Kenny Allen, CPA
Pauly, Rogers and Co., P.C.
(503) 620 - 2632
kennya@rascpas.com

RECOMMENDED ACTION:

It is recommended the Council create the developer installed Water Advance Financing District for Ula Estates.

PROCEDURE:

Follow procedure for a Resolution.

BACKGROUND:

Staff recommends that Council adopt a resolution of intent for a Water Advance Financing District for Ula Estates. The application for the district was submitted in January. This project will install approximately 650 lineal feet of 12" water in Leonard Road from Darneille Lane to the West property line of Ula Estates (Exhibit A).

Historically, the triggers for repayment have been the following: 1) New home construction, 2) 50% or more expansion of existing home, 3) Land partition, 4) Construction of 2nd unit, 5) Application for water service, or 6) Issuance of a development permit for a commercial development.

Each assessment is considered to be separate from each other. (For example, if a property owner submits an application for water service, only the water AFD portion would be required to be paid and other AFDs would not have to be paid until utilized).

City Staff has prepared estimated costs for the Advance Financing District and notified the existing property owners.

A map of the boundary (Exhibit A) for the District and the payback for the properties (Exhibit B) are attached. (Note: the assessor maps do not reflect the recent lot line adjustment and purchase of tax lot 2700 by the City. The costs will be reapportioned according to the adopted formula.)

RELATIONSHIP TO COUNCIL GOALS:

This assists with the Council Goal of **MANAGEMENT** by facilitating the installation of public improvements without city investment.

COST IMPLICATION:

Expenditures for improvements may be returned to the Developer as properties in the district develop and/or connections are made.

RESOLUTION NO.

RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS OF INTENT TO FORM A DEVELOPER INSTALLED WATER ADVANCE FINANCING DISTRICT FOR ULA ESTATES.

WHEREAS:

1. Certain water improvements on Leonard Road are proposed for the new development, which will be installed by the developer and which may benefit properties heretofore not served by these public improvements; and
2. Pursuant to Ordinance No. 4501 of the City of Grants Pass, adopted the 2nd of January, 1984, and as amended by Ordinance 5140, adopted the 3rd of July, 2002, the City Council hereby determines the improvements be recognized as an Advance Financing District and that a portion of the costs thereof are reimbursable by those properties to be specifically benefitted by said improvement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass to direct Staff to prepare the Ordinance to form a Water Advance Financing District after the public improvements are installed and costs are finalized for Ula Estates.

EFFECTIVE DATE of this Resolution shall be immediate upon its passage by the City Council and approval by the Mayor.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 3rd day of October 2007.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of October, 2007.

Len Holzinger, Mayor

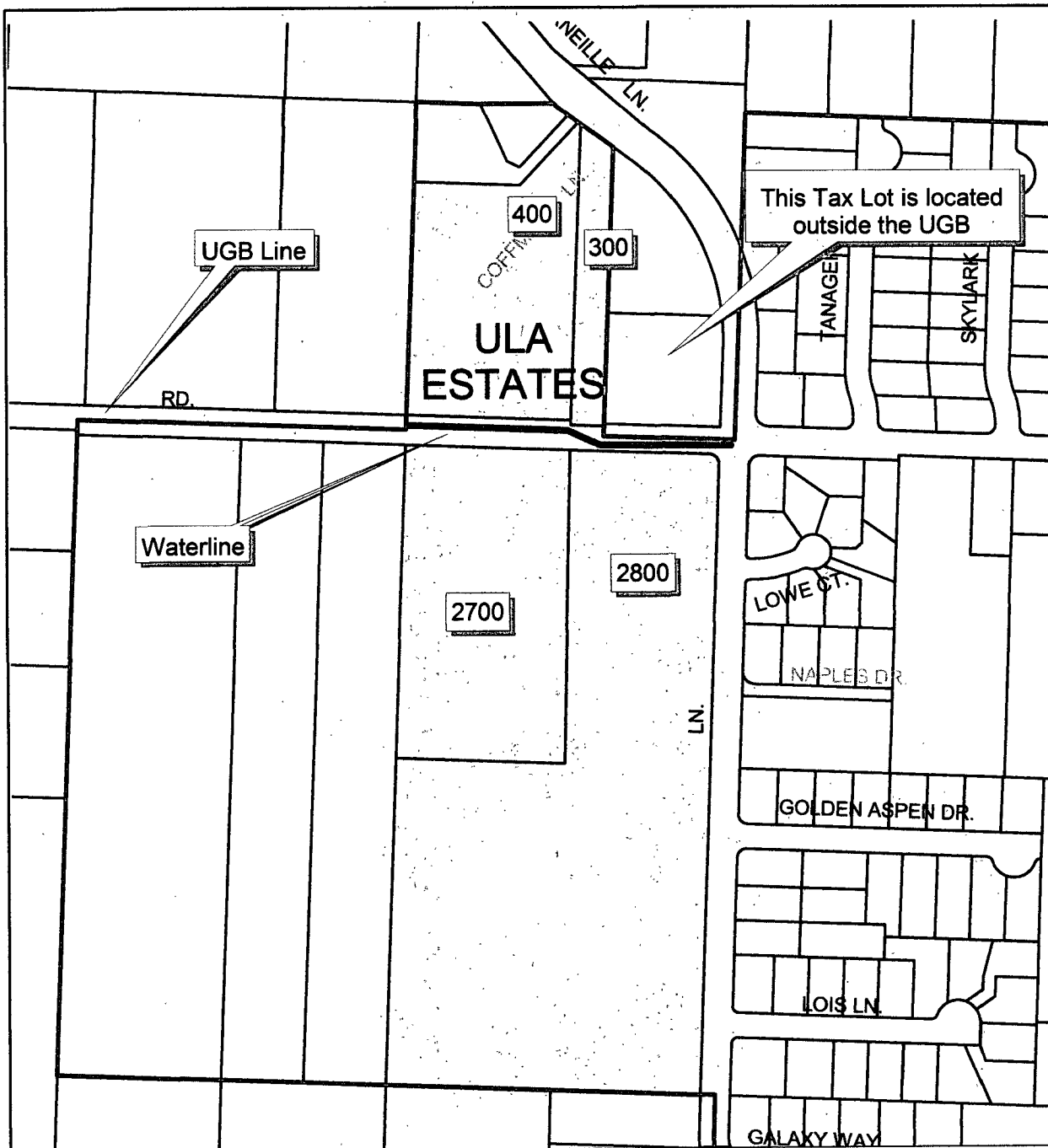
ATTEST:

Date submitted to Mayor: _____

Administrative Services Director

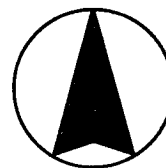
Approved as to Form, Kris Woodburn, City Attorney:

KLW



**ULA ESTATES
WATER AFD
CC4991
[Exhibit A]**

100 0 100 200 300 Feet



**ULA ESTATES
ADVANCED FINANCING DISTRICT
CC4991**

Water Improvements

PROPERTY OWNER	MAP & TAX LOT #	FRONT FOOTAGE	ACREAGE	PROPOSED WATER IMP.	Exhibit "B"	
					TOTAL EST. REPAYMENT	
Ula Development LLC 3060 Leonard Road Grants Pass, OR 97527	36-06-22-10/300	66	0.88	\$3,505.15	\$0.00	
Ula Development LLC 3086 Leonard Road Grants Pass, OR 97527	36-06-22-10/400	330	3.76	\$16,582.79	\$0.00	
School District #7 % Redwood Elementary 3071 Leonard Road Grants Pass, OR 97527	36-06-22-10/2700	330	4.78	\$18,085.62	\$18,085.62	
School District #7 Leonard Road Grants Pass, OR 97527	36-06-22-10/2800	299	13.86	\$30,426.44	\$30,426.44	
Water Total		1025	23.28	\$68,600.00	\$48,512.06	

Total Project Cost \$68,600.00
Total Proposed AFD Amount \$48,512.06

WATER IMP. EST. PROJECT COST
1/2 cost per Front Foot \$33.46
1/2 cost per Acre \$1,473.37

Item: Motion to approve Liquor License.

Date: October 3, 2007

RECOMMENDED ACTION:

It is recommended that a motion to approve the liquor licenses be approved.

PROCEDURE:

Follow the procedure for a Motion.

BACKGROUND:

One application for a liquor license has been filed with the City for a recommendation to the Oregon Liquor Control Commission (OLCC). The final authority to grant or deny applications rest solely with the OLCC. A copy of the application is attached (with personal information not relevant to the application having been redacted). The application has been reviewed by the Administrative Services Department Finance Division for a business license. The application has also been reviewed by the Public Safety Department to reveal any potential criminal history of the applicant and whether there is any potential criminal activity which has occurred on or related to the premises which would have been the responsibility of the applicant. It has also been reviewed by Parks and Community Services for any concerns related to the use of public property. None of the three Departments have expressed any reasons for denial of the application.

RELATIONSHIP TO COUNCIL GOALS:

This matter supports the Council goals of **MANAGEMENT, PUBLIC SAFETY, and PARKS & RECREATION** by insuring businesses are properly licensed, that they do not represent a threat to the public health, safety, or welfare, and when located on public property that they use is consistent with the expectations and concerns of our citizens.

COST IMPLICATION:

None

ITEM: 2.g. MOTION TO APPROVE LIQUOR LICENSE.



OREGON LIQUOR CONTROL COMMISSION
APPLICATION FOR TEMPORARY USE OF ANNUAL LICENSE

OLCC may refuse to process your application if received less than 10 days before your event

Please Print or Type

1. Annual Licensee: Uphill One Concessions Phone: 541-479-4787
2. Trade Name (dba) of annual license: Same License Type: F08L
3. Mailing Address: 233 Rogue River Hwy #115 E-mail: _____
4. City: Grants Pass State: OR Zip Code: 97527 Fax: 479-1440
5. Name of on-site manager(s): Barry Hillis Manager's Service Permit #: 222382
6. EVENT ADDRESS: Josephine Co. Fairgrounds City: Grants Pass
7. Description/Boundaries of event location: Infield of Football field
8. Date(s) of event: Oct 6, 2007 Hours of event: 12:00 - 9:00
9. Type of event: Four Wheelers Type of entertainment: Same
10. Types of alcohol to be served: ☒ Beer ☒ Wine ☐ Hard Cider ☐ Distilled Spirits
11. Type and hours of food service: All
12. Expected attendance per day: 500 Will minors attend? yes
13. Control plan for managing minor patrons and adult alcohol consumption: see attached

I certify that I have obtained at least \$300,000 of liquor liability insurance coverage for this event as required by ORS 471.168.

Insurance company: Gamer & Giles Policy # 9500204528 Expiration Date 1-26-08

ANNUAL LICENSEE SIGNATURE: _____ Date 9-12-07

14. You must take this application to the local city or county government for a recommendation before submitting it to the OLCC.

☐ Grant ☐ Acknowledge ☐ Deny (attach letter indicating grounds for denial)

Event location is: ☐ Within ☐ Outside City Limits Agency: _____

Agency Signature: _____ Date: _____

15. This authority is valid when signed by an OLCC representative, and must be posted at the event.

Restrictions: _____

LICENSE IS: ☐ Denied ☐ Approved by: _____ Date: _____



4. a. Urban Area Planning Commission

One position is open replacing Jocelyn Richardson.
Her term expires on 01/03/11.

There are 5 applicants:
Larry Conard, Darin Fowler,
David Mannix, Terry Stegemiller,
and Gary Van Dyke,

RECEIVED

JUL 11 2007

12:05

APPLICATION FOR CITY APPOINTMENT
(Please use black ink)

POSITION U A P C
(City Council or Committee appointment you seek)

Your name Larry D. Conard

Address _____

City Grants Pass Zip _____

E-mail _____

Phone _____ Business phone _____

Length of residency _____ - 15 years in Grants Pass

Occupation Retired

Education

☒ High school

☐ Some college

☒ Advanced degree

☐ AA degree

☒ Bachelor degree

Relevant job history

40 years in Pastoral Ministry - 5 years Loan Officer
Off and on purchase & resale Homes - Just finished building a new home.

Involvement with City or other government committees, boards, projects, etc.

Citizens Committee of river front property. Chamber Council
of Governments

Community involvement

- Chamber/Greeters - Rotary (Gateway) - Gospel Rescue Mission

Statement Of Your Reasons For Desiring To Serve

I believe that many of us should be willing
to serve our community as the opportunity arises.
It should not be a vocation, but rather a service.

Statement Of Any Relevant Concerns, Or Goals To Be Achieved While Serving In
This Position

I do not have an agenda. I want our
city to grow in the proper way to keep Grants Pass
the special city it is.

Date

July 3, 2007

Signature,

T. H.

APPLICATION FOR CITY APPOINTMENT

(Please use black ink)

POSITION

UAPC

(City Council or Committee appointment you seek)

Your name

DARIN J. FOWLER

Address

City

GRANTS PASS

Zip

E-mail

Phone

Business phone

Length of residency

35 YEARS

Occupation

ELECTRICAL CONTRACTOR

Education

☒ High school☒ Some college☐ Advanced degree☐ AA degree☐ Bachelor degree

Relevant job history

- ELECTRICIAN

- ELECTRICAL CONTRACTOR

Involvement with City or other government committees, boards, projects, etc.

- WORKED FOR PARKS DEPARTMENT AS SOCCER REFEREE

Community involvement

SOCCER COACHING, REFEREE, FAMILY FRIENDS FUNDRAISING,
CHURCH USHER, ELDER, EXECUTIVE BOARD MEMBER, CHILDREN'S
MINISTRY TEACHER

Statement Of Your Reasons For Desiring To Serve

I HAVE GROWN UP HERE AND GROWN TO
LOVE THIS AREA. I LIKE THE COMMUNITY FEEL
AND COMFORTABLE LIFESTYLE. I WOULD ENJOY
SERVING MY NEIGHBORS AND FRIENDS AND BRWING
THEIR INPUT TO THE COMMITTEE LEVEL.

Statement Of Any Relevant Concerns, Or Goals To Be Achieved While Serving In
This Position

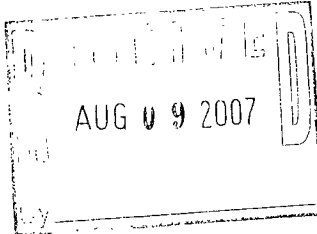
I WOULD LIKE TO PROMOTE CONTROLLED
GROWTH AND INTELLIGENT DESIGN TO THE DEVELOPMENT
OF OUR COMMUNITY.

Date

02/07/06

Signature

1215



City of Grants Pass



APPLICATION FOR CITY APPOINTMENT (Please use black ink)

POSITION UAPC
(City Council or Committee appointment you seek)

Your name DAVID R. HANUXX

Address _____

City Grants Pass OR Zip _____

E-mail _____

Phone _____ Business phone _____

Length of residency 5 yrs (this ward)

Occupation retired

Education

- | | |
|---|--|
| <input type="checkbox"/> High school | <input type="checkbox"/> AA degree |
| <input type="checkbox"/> Some college | <input type="checkbox"/> Bachelor degree |
| <input checked="" type="checkbox"/> Advanced degree | |

Relevant job history

have practiced municipal law

Involvement with City or other government committees, boards, projects, etc.

please see attached

Community involvement

Town Centre Trolley Driver, Stardust Theater

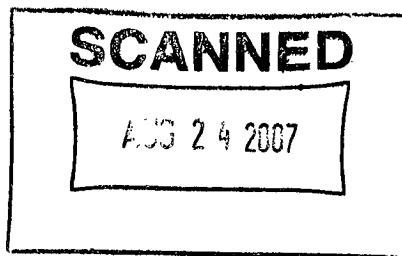
Statement Of Your Reasons For Desiring To Serve

please see attached

Statement Of Any Relevant Concerns, Or Goals To Be Achieved While Serving In This Position

please see attached

Date *August 9, 2009* Signature, *!*



Turned in 8/24/07. He
thought application
was due by 8/25/07.
(the weekend.)

APPLICATION FOR CITY APPOINTMENT
(Please use black ink)

POSITION Urban Area Planning Commission
(City Council or Committee appointment you seek)

Your name Terry Stegemiller

Address

City Grants Pass Zip 97526

E-mail

Phone 530-735-1234 Business phone 530-735-1234

Length of residency 12 years

Occupation Retired

Education

☒ High school

☐ AA degree

☒ Some college

☐ Bachelor degree

☐ Advanced degree

Relevant job history

Commercial Construction 35 yrs as employee and owner,
Retail 10 years, 1 project developer (and only 1)

Involvement with City or other government committees, boards, projects, etc.

Only as developer of Parkway Village

Community involvement

Chamber of Commerce

Statement Of Your Reasons For Desiring To Serve

Provide input, impartial, with a common sense approach, assisting the commission in adhering to treating every project equally and fairly.

Statement Of Any Relevant Concerns, Or Goals To Be Achieved While Serving In This Position

Create system/policy to appeal planning decision without fear of retaliation. Create a system to assure property owners can develop property if there is reason why not, i.e. traffic, zoning etc, that the city/county is addressing the problem and not letting it exist. During my years in construction I worked with many different municipalities,

Date 8/23/07 Signature _____

which I observed different approaches to resolve similar situations. I believe I can draw on my experience to help resolve issues.

RECEIVED

JUL 25 2007

City of Grants Pass

171 City Limit



APPLICATION FOR CITY APPOINTMENT (Please use black ink)

POSITION Urban Area Planning Commissioner
(City Council or Committee appointment you seek)

Your name Gary Van Dyke

Address _____

City Grants Pass Zip _____

E-mail _____

Phone _____ Business phone _____

Length of residency Since March of 2002 - 5+ years

Occupation Civil Engineer

Education

- | | |
|---|---|
| <input checked="" type="checkbox"/> High school | <input type="checkbox"/> AA degree |
| <input type="checkbox"/> Some college | <input checked="" type="checkbox"/> Bachelor degree |
| <input type="checkbox"/> Advanced degree | |

Relevant job history

30 years land planning and development engineering experience in Oregon, Washington and Northern California. Much of my experience and my main interest is in surface water management, design and impact mitigation.

Involvement with City or other government committees, boards, projects, etc.

5+ years as a volunteer crisis councilor in Portland, approximately 2 years Josephine County Rural area planning commission, 6 months Josephine County Library volunteer

Community involvement

Involvement in a number of neighbor enhancement efforts in the Portola area such as fence screening of a local industrial site. Assisted in organizing a local drug education and eradication program. Assisted in maintenance of area irrigation facilities which are shared by several neighbors.

Edited by Foxit Reader

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Statement Of Your Reasons For Desiring To Serve

I have been involved in land development in Oregon since the beginnings of formal development planning. I am extremely committed to planning and fully support it as a means to assure orderly growth, maintaining the livability of communities and ensuring a consistent degree of livability.

Statement Of Any Relevant Concerns, Or Goals To Be Achieved While Serving In This Position

I am committed to defending community planning in its present form in Oregon as a way to ensure fairness and predictability in land development and to guarantee the expectation that new development will meet consistent minimum standards and not be diluted or diminished.

I pledge to work with city staff and other interested residents in enhancing the quality of life in Grants Pass by: helping to build a livable urban community, protecting adjacent farm and forest lands and conserving natural and scenic amenities and values.

Date July 25, 2007

Signature _____



4. b. Historic Buildings & Sites Commission

Filling position of criterion (d) licensed architect / designer.

One applicant applied...Jerome Lomas.

APPLICATION FOR CITY APPOINTMENT

(Please use black ink)

POSITION HISTORICAL COMMITTEE
(City Council or Committee appointment you seek)

Your name VERONE LOVAS (LERRY)

Address _____

City GRANTS PASS, OR Zip _____

E-mail _____

Phone _____ Business phone _____

Length of residency 5 YEARS

Occupation URBAN PLANNER/ARCH. DESIGNER

Education

☐ High school

☐ Some college

☒ Advanced degree

☐ AA degree

☒ Bachelor degree

Relevant job history

40 YEARS - ARCHITECTURE, CITY PLANNING,
HISTORICAL ADAPTIVE RE-USE, OWNER-ARCHITECT,
CITY OF LOS ANGELES

Involvement with City or other government committees, boards, projects, etc.

PASADENA, CALIF - HISTORIC PRESERVATION BOARD,
DESIGN COMMISSION, 4 YEARS

Community involvement

SUPPORT OF VARIOUS LOCAL FUNDRAISING EVENTS

Statement Of Your Reasons For Desiring To Serve

1. OBVIOUSLY, TO GIVE BACK TO THIS COMMUNITY IN SPIRIT & APPRECIATION FOR THE SUPPORT & KINDNESS SHOWN TO ME.
2. PRESERVE & ENCOURAGE THE HISTORY OF THIS CITY FOR PRESENT & FUTURE GENERATIONS & PROMOTE GOOD DESIGN FOR THE CITY.

Statement Of Any Relevant Concerns, Or Goals To Be Achieved While Serving In This Position

1. TO HELP THE LAY COMMUNITY UNDERSTAND THE NEED FOR PRESERVATION.
2. ASSIST THE DEVELOPMENT COMMUNITY TO UNDERSTAND & REVERENCE THE CITY CODES & PROMOTE PRESERVATION & SYMPATHETIC DESIGN
3. TO ASSIST, WHEN APPROPRIATE, WITH SUGGESTIONS TO THE COMMUNITY TO ACHIEVE THE ABOVE, STATED GOALS.

Date

SEPT 18, 07

Signature



4.c. Council Liaison Appointments

City Commission: Shared liaison for
Urban Area Planning Commission (UAPC)

Regional Committees: Board of Health and
Rogue Valley Council of Governments (RVCOG)

The Council of the City of Grants Pass met in special session with on the above date with Mayor Holzinger presiding. The following Councilors were present: Cummings, Paquin, Wendle, Renfro, Kangas, Patterson and Richardson. Absent: Berger. Also present and representing the City were City Manager Frasher, City Attorney Woodburn, Acting Finance Director Lange, Community Development Director Huber, Public Safety Director Henner, Senior Planner Angeli-Paladino, Administrative Coordinator Buckley, Tourism Coordinator Walters, Administrative Coordinator Van Deroef, Public Works Director Wright, City Engineer Schaff and Parks and Supervisor Burns. State Representative Ron Maurer was present at the onset of the meeting but left when Council adjourned to the Council Chambers.

Ron Maurer, State Representative, stated this is at the request of the City Manager because he has not had the opportunity to talk to the City Council yet for a number of reasons, like being in Salem. He's worked with a few people here. Councilor Wendle and he were on the school board together. He wants to welcome her to the City Council. Her husband came up to him and told him he's proud of her.

As time goes on there has to be a relationship between the State government and the City Council. On issues that are relevant to the State, please come to us, whether it's himself or Dennis Richardson, Jason Atkinson, Susan Morgan, Susan Moore. Any time you have State issues, please feel free. Right now what we're working on is the Highway 199 project. He and City Manager Frasher have had many conversations about this whole problem with ODOT and how things are going to move forward. He met with the ACCESS group. Regardless of how he feels about any decision, he's going to represent the constituents in Josephine County and in this case, Grants Pass. It's clear where Grants Pass wants to go. So he is trying to be as supportive as he can given the role that he's in and his ability to work with Matthew Garret, the executive director of ODOT, so that our voices down here are heard. Now there are no guarantees. Anybody who has worked with ODOT or State government realizes that there are no guarantees when working with

ODOT. The best thing we can do is plead our case. We can jump up and down, scream and yell as much as we can and hope for the best.

With that he's arranging a meeting with Matthew Garret. He's asked the City Manager to attend. We're going to ask someone from the City Council to attend and he's going to let you folks decide who that is. And then we're going to try to come up with some resolution because there are some issues from a process standpoint and that's where he really is involved in this process. He's not an engineer; he doesn't pretend to be an engineer and he's not trying to do someone else's job. He's not saying he wants to meddle in your affairs when it's inappropriate. But when it's appropriate for him to step in, that's what he's here to do. So hopefully on this one thing where he can at least be a cheerleader. At some point though we get to vote on their budget so that's important to them and vote on where those dollars go.

If you have any questions, feel free to ask at any time. This is his chief of staff, Allison MacMullin. We have an office over here at the Justice Building, an interior office about 12 x 12 or 10 x 10. The only problem with that office is any time he wants to get out he has ask someone to unlock the door.

The relationship between City Council and the County Commissioners and himself, any of the legislative delegation has to be good otherwise we're fighting against each other and we are not going to go anywhere fighting against each other. Any questions, concerns? [Council had no questions]

You come into this thing and as the new guy, you're learning. You're trying to figure out how things work. About three months into it he got his sea legs as it were and there are a lot of things that he found that he could do even though he's in the minority party up there. There were some good things that have to do with children and have to do with health care and have to do with some school issues, but he'll be back. He'll continue working on it and congratulations on this last election for everybody. It's interesting to watch, very interesting to watch. Grants Pass is a good place. It will always be a good place. It's going to be a good place because we're going to make it better.

Due to the size of the crowd, Mayor Holzinger adjourned the meeting to the Council

Chambers; he reopened the meeting there at 11:54 a.m.

1. MATTERS FROM MAYOR, COUNCIL AND STAFF

Councilor Wendle stated she was very concerned about our meeting last Wednesday and the demeanor on the part of many of the citizens. She appreciates the fact that they want to address an issue however when it turns to the point of attacking people in the process it was very concerning to her. She felt like she wanted to leave it was that uncomfortable. We are elected to serve the people and she believes we're all pretty intelligent people and we understand and can grasp the ideas that are put forth. However, when it becomes attacking, the normal response to that is to shut down. If you want to be heard, it's nice to have the demeanor of being polite. Rudeness really has no place in these Council Chambers. She's thought about this a lot and thinks we need to treat each other in a responsible manner. Actually, those of you who were in the Courtyard at the beginning of this meeting and heard Ron Maurer speak, when he was talking about the importance of solidarity and being able to work on something, she thought that's exactly what she would like to be able to say to you all and to the Council, that we can work together but let's not be rude to one another. She's hopeful that we won't have to turn off mics or take any unnecessary steps. This has bothered her since it occurred on Wednesday and obviously you can tell now on Monday she's still carrying that feeling as far as the attacks that were made on our staff as well as the feeling of discomfort to the Councilors.

Councilor Kangas stated in some parts he agrees with Councilor Wendle; in other parts we have to remember how important property and property rights are to the people. Sometimes they get carried away and they get angry and they get hostile, anxious. There are all kinds of emotions that go through a person when they're talking about property because he's been there before with the possibly of losing his property that he worked all his life to have and to retire and he's not very wealthy, he's not a person that has a lot of money so his home, in the last (he's over sixty) way over sixty years has been an important part of what he wanted to accomplish in his life. That's the only thing he has that he feels is important to him. His family is important to him but the house is second. It's really up there on the top of his list so you have to understand some of these people's emotions and feelings. He's sure they don't mean anything. They may be angry

and hostile or act in different ways and express their emotions than most people do. He thinks we have to take that into account. He does hope, like Councilor Wendle said, that everybody can work together to solve the problems we have. That's what's important. There are going to be outbursts and he sees outbursts from the Council like he sees them from the people. It's just not all one sided. This is an important issue. He had several calls this weekend and emails. Hopefully we can get an answer today on this resolution. Is it possible to shorten the time on it? That's what his question is. Maybe when it's being discussed we can discuss some of these phone calls and emails that he got. But he hopes all of us can put our feelings in check but remember how important a person's property and their home is to them. A home is like a man's castle so remember that.

Councilor Richardson stated she has to say she agrees with Councilor Wendle too. Only where Councilor Wendle spoke to the more noble of our emotions and treating one another with dignity and respect, she spent the weekend reviewing what the Oregon Public Meetings Law says, what our Charter says, what Robert's Rules of Order say, which by Charter by definition we've given precedence. And she thinks people make the mistake of assuming that because public meetings allow the public, that they have the right to say whatever suits them. That's not exactly true. According to the website of the Professional Journalists, Oregon's Public Meeting Law permits the public to attend meetings; it does not necessarily permit the public to voice. Instead it is left to the council or to the governing body to determine what the terms of that voice shall be. The section in the Charter is Chapter 4 for anybody who would like to go back and read it. It states what the obligations are for the Mayor and for the City Council. She's doing this as an educational opportunity for those of you who might not know but the Mayor is charged with enforcing what the City Council decides. So the City Council has decided through Resolution 4899 to impose time limits and to say that Robert's Rules of Order will be in effect. This is what Robert's Rules of Order has to say. It says that the presiding officer must rule that all personal remarks are out of order. Debate must be directed to motions and principles not personalities or motives. What we've seen, and she's been watching it from out there for the last six months, is that we are sliding into motives, personal agendas, attacks and grandstanding. We all lose when the City Council fails to

do business because we're caught up by being held hostage by people who have a separate agenda. So she would encourage you to take your responsibilities very seriously, but also look to this as a privilege for all of us and we have the City's business to do and we need to do it together.

She has a couple of other topics one of which is the committee assignments. She has Brian Thompson's previous committee assignments which she would be glad to continue if the rest of you would like it to be that way.

She would also like to note on advanced financing districts that if we have a lot of things in queue for advanced financing districts perhaps we need to move that higher on our agenda, higher on our list of priorities. It strikes her that with something like twenty-five of these waiting in the wings we really need to make a decision as quickly as possible on what we're going to do with those.

Finally her last topic is she's been approached by a number of people in her neighborhood with respect to codes enforcement and a serious concern about the lack thereof. That's another topic she would like to see on a workshop if at all possible, the role of codes enforcement against both the Municipal Code and the Development Code.

Mayor Holzinger stated we have on the agenda for he thinks the first meeting in September to talk about local improvement districts.

Councilor Paquin stated we all know why we're here today primarily. At least the crowd. First of all there wasn't a single person sitting on the City Council when the trail route was put together and adopted. In fact, speaking for himself, it wasn't an issue for a long, long time until we discovered they were going to put it in the Downtown River District Plan and the people reacted to that saying it's going across their property. Either they didn't know or weren't paying attention either but when it did come up to a situation where it was going to be considered in the Downtown River District Plan, then they rose up and had some concerns and let them be known. At that time the City Council was not part of that route and we have in fact changed it to go through Park Street which is what the people asked us to do. In fact their plan was adopted for that area there. They brought it forth and we said looks good to us and we don't need to go across your property so life will go on. But ever since that time, the group of people, there are some very

outspoken people in this group and some support for it, but he doesn't think we should, as a City Council, react to intimidation by people who choose to make it a personal issue and we say "Oh my gosh, oh, my gosh". We're elected to represent the 31,000 people who live here and that's the way we should look at all the issues and say what is the best thing for Grants Pass? Do we always make perfect decisions? No, we don't but we try the very best we can and we mostly do. Just because certain people don't agree with our decisions doesn't necessarily mean we're wrong or that we're liars or that we're in contempt or anything else. The letters to the editor and the emails and things like that that say we're just awful people. We live here. He's lived here longer than most anybody in this room; he can't say everybody because he doesn't know but it's been his hometown since 1942. He was raised here, raised his kids here and loves this town and he doesn't want to wreck it but we are going to have to understand that it is going to grow. No matter what's been said out in the public by anybody, we have to look at that and we have to plan for it whether it's the Downtown River District Plan, the urban growth boundary, any of those things, that has to be done. He has known of some emails that have been sent to our City Manager who by the way he thinks, and he believes the rest of the Council thinks, is one of the best things that ever happened to Grants Pass. He is a very professional person. The City Manager has gotten emails that threaten him and everything else and that is the kind of thing these people were talking about. It just is not right, it's not fair. We're all part of this community and if you don't get your own way, we don't all get our own way up here either. If you don't get your own way, we hope it's the best thing for the 31,000 people who live here. With that, he appreciates your respect when we talk about things and if you get your point across, great; if you don't, we're part of this community too.

Councilor Patterson stated he has to echo each and every thing that his fellow Councilors have said. We should stick with the issues and not the personal attacks. We're all up here trying to do the best that we can. You've elected us to that position. The decisions that this Council comes up with occasionally does not agree with each and every one of you but like Councilor Paquin said, we have to think of the 31,000 people in here and what we think, the nine of us and the staff, what's best for this City. Nobody likes to have stones thrown at them. We're just all

human. We're doing the best thing we can up here. He'd like you to stick with the issues and keep away from the personal attacks and things will go along just well. No one likes to be threatened. He has to echo the respect that we all should have for our staff and our elected officials be them the State, City or Federal level. We elected them there; we hold them accountable, but we don't attack them personally. There is a lot of time that goes into this job and it's very easy to stand at that podium and criticize but it's difficult to run for office and get up here and make the right decision each and every time. We do our best. The Councilors and the staff all deserve your respect for that but we're also accountable to you. But that's an issue not a personal thing. So you need to stick to the issues and not to personal attacks on individuals.

Mayor Holzinger stated he wants to thank the Council for all their comments. He agrees with them. The reason that Councilor Berger is not here today, as you know her aunt passed away some time ago and she had to meet with an attorney today and 11:30 was the only time to get into him so that's the reason she's not here.

City Manager Frasher stated we can probably get a workshop on Code Enforcement sometime in the future but he'd like to meet with Councilor Richardson so we can try to narrow down what some of the questions are so that when we have the workshop it's actually helpful to the group.

He received an open records request over the weekend. He was up here and happened to see an open records request from Mr. Thompson about any documents that might show that the staff initiated the process. You see his response to Mr. Thompson. The resolution actually was for us to initiate the post-acknowledgement plan amendment process known as PAPA. All this document shows is that the Community Development Director made an assignment for the amendment process to a staff person. It did not officially initiate the PAPA process as the resolution stated. So he wants to be clear about that.

He had another meeting this morning with other senior staff about the resolution and trying to advance that as quickly as possible. He's determined that that's going to occur.

Also he knows that many of you have probably received a letter from Mr. Thompson asking for him to resign or something to that effect. For the Council's reference and he knows

some of you might not have been here at the time, but about six months ago he received a letter from Mr. Thompson and he has to say that Mr. Thompson is sort of doing what he said he would do and he respects that. But if you read the letter, particularly on page two, the paragraph that says "Given your legal background you should understand the damage a truly angry retired attorney can do" and so on and so forth, "I will link your career to the growth of tourism and the national perception of Grants Pass or the failure thereof". These are the kind of threats that he's been dealing with from certain people in this community that he believes are simply bullies. He doesn't respond to it very well. Some of the leaders in this group have even met with him in his office and said "you need to fire X employee or you're going to go down with them". He's quoting that. He just wants this Council and this community to know and our employees to know that actions he takes to discipline employees or not discipline employees will always be based on the merits and the law. If he doesn't have something other than "we want to retaliate" or "we want to get even with somebody" or "we don't like somebody", if he doesn't have something more substantive than that, he won't be taking disciplinary action. If it means he needs to be dismissed from his position he's willing to have that happen before he does something to somebody that he doesn't think is legal or ethical.

The ICMA code of ethics requires him to treat every employee based on the merits, the City's ordinances and personnel policies as well as even all the case law and the U.S. code regarding employment and how employees can be treated under the Fair Labor Standards Act, all of those things are in place to make sure that employees are treated appropriately.

He recognizes that the nature of our work sometimes means that some of our employees aren't going to be very popular. The nature of your work means that sometimes some of you aren't going to be very popular. But it's much more important for him to look at himself in the mirror and know that he treated our staff and everyone in this community with dignity and respect based on the merits. Because someone threatens him or asks him to terminate an employee because they're mad at them, there is going to have to be more than that or he's not going to do it. You should expect that from any city manager that you hire, whether it's him or somebody else in this chair. They owe you that. If they're an ICMA member they've pledged to do that and he

would expect that they would do it.

He has a couple of other little announcements. He wants to remind the Council that you might want to extend the Council workshop to 3 p.m. next week on the 17th to talk about local improvement districts. Is there a thumb or something you can show? He would like to do that so we can accelerate and get on to things like advanced financing districts and the rest. We'll work you as much as you're willing to be worked. [Council consensus was extending the workshop to 3 p.m. was acceptable]

Also, if Council members will be in attendance on 9/17, Administrative Coordinator Van Deroef wants to take a group photo of all of you.

Terry Stegemiller is requesting Council interview him for Urban Area Planning Commission on October 1st because he can't make it on the 24th of September. City Attorney Woodburn stated Mr. Stegemiller left a voice message and Administrative Coordinator Van Deroef tried to contact him to find out if the 1st was available for him; the 24th apparently was not. At the last opening, when somebody wasn't available you kicked it to the next week. That was Mr. Stegemiller's request; he did not actually have a conversation with him. To his knowledge we haven't found out if the 1st is available but that's the only other meeting you'll have before the appointment.

Mayor Holzinger asked are we going to re-advertise this position. City Attorney Woodburn replied this position was re-advertised the same as the last position, exactly the same as the first position. So no difference.

2. COUNCIL ACTION

- a. Resolution to extend the deadline to initiate a Comprehensive Plan and Master Plan amendment relating to the Riverfront Trail.

City Manager Frasher stated we don't have anything new to report on this except he does have the Community Development Director available to answer your questions about the timelines. It's fair to say that if we had no other assignments or no other work to do we could probably get this done in four months. Given the other items in the work plan and you see some of the assignments as far as the text amendments, you see those attached here, actually the park plan and the trail comp plan amendments are at the top of this list here. He doesn't know that it's

any priority necessarily but it does note it as a high priority not a medium priority or a low priority. These just give you some examples of some of the things that are going on in the Community Development Department. We think the timeline of seven months is a safe bet. However he also wanted the Council to know and the community to know that if you give a timeline we're going to try to hit it. Whether we hit it or not this time, we're going to try to get this done as quickly as we can possibly do it. If you pick seven months, five months, four months, ten months, you've already told us you wanted it done in ninety days so to him it's a fast track item. Whether you pass a new resolution today or not, or pick whatever number you're comfortable with, he does want to say if we make a promise, he wants to be able to keep it and we weren't able to on the last one.

Councilor Renfro stated maybe you could refresh his memory on this a little bit. He thought that the only amendment we had was just to change the trail from the riverfront up to Park Street. Was that the only thing that had to be done on this? City Manager Frasher replied he thinks there are a whole number of references to that trail and the trail route in the Comprehensive Plan and in he believes in the Parks Master Plan. Is that correct, Director Huber? Do you want to explain for the Council what the process is, some of the steps that have to be taken?

Director Huber stated the resolution's action includes a couple of things. It says all maps shall be amended to show the route of the riverfront trail to match the attached map (the one you're just referencing). And it says include and incorporate the riverfront trail and the Rogue River Riverfront and Development Plan into the Master Parks and Recreation. So we're talking about some amendments to our Comprehensive Plan. There are some policy statements in the plan that are probably contradictory to e.g. this Section 1 part so it's not quite as simple as it looks. If we're going to do it thoroughly and remove any kind of reference of the code, the policy language that would allow this kind of stuff to happen, it's going to take a little time just to read our code carefully and rewrite it. Another piece is to incorporate these two things, the Rogue River Riverfront Plan and the Riverfront Trail into the parks plan. So it's just some work. It will take staff to do that work; that's the three month piece. Then typically a Comprehensive Plan Map, Zoning Map amendment, those kinds of things typically are about a four month process. We have

a forty-five day notice to DLCD and then it goes to the Planning Commission for as much time as they take on it. Then we have Findings signed. We re-notify, bring it to the City Council and then the same process. Historically it's been about four months for these kinds of things.

Councilor Paquin stated he'd like to recommend to City Council that we pass the resolution with one exception, that's number 2. We should eliminate the timeline because it ends up that we get a gun to our head if we don't meet them. He would prefer to have that as an expedited matter without timelines. Based on the workload of the staff and the manager and all that he would to recommend that we pass the resolution with the amendment on number 2 stating in some words that it will be fast-tracked without a timeline.

Councilor Kangas stated the problem with leaving it open-ended is it could take more than the seven months. If you put that timeline on there, if they're done sooner, great. Director Huber says he thinks it's going to take three months to initiate it, to go through all your process. Is he correct in that? Director Huber replied yes. We have to read the plan, take out language, put language in, etcetera. We have a number things. The Rogue River Riverfront Plan should be incorporated into the master plan. There is just a lot of work that goes with it. It isn't as simple as it looks.

Councilor Kangas stated so then you don't see any problem if you do that in three months and the additional four months to complete the process should be okay? Director Huber replied the four months is the public process. Our experience has been text amendments take about four months regardless of the nature of them. Some take longer but generally they're about four months. The three months is just the amount of time that we need to work on it.

Councilor Kangas asked is there any way you can do things simultaneously on those two issues? Director Huber replied no, it has to be written first. The amendments have to be written and then that draft is sent to the DLCD forty-five days before the Planning Commission hearing. You can't initiate the public process until you've created a draft.

Councilor Kangas stated so the seven months is not a problem? Director Huber replied well, we're going to be dropping some other things. There are some other things that won't get done but if this is the priority then yes, we'll get it done.

Councilor Richardson stated in deference to what Councilor Kangas had to say earlier, if she were someone who lived on the riverfront she would want to have some hallmarks, some deadlines, some benchmarks if you will that say if this happens then she knows things are proceeding. Can we come up with some benchmarks for along that seven month period so that the Council can be advised appropriately that action is proceeding apace or is there some sort of a single thing that can happen by virtue of the resolution so that people say "When I see that this has happened I know that the task is on progress". Director Huber stated the best thing would be the forty-five day notice to the State. When that's mailed out that means there is a draft that has been created and that it's now on a schedule.

Councilor Richardson asked when does that occur. When in this seven month cycle will that occur? Director Huber replied that will be at about the end of the three months, when we prepare the draft amendment.

Councilor Richardson stated so regardless if we allow seven months or what have you, what we are finding is that there is a date certain in roughly three months that we can expect to have this issue raised again with the Council and you would be able to say that we have now turned this into the State. City Manager Frasher stated you would get copies of that correspondence that we send to the State. We'll make sure Council is copied on that, gets a copy of the letter and any of the staff submittals that go to DLCD.

Councilor Richardson stated that would go a long way to making people feel a little comfortable if we have some deadlines and those are duly reported to the Council.

City Manager Frasher stated Resolution 5234 is still in full force and effect so even though we're beyond the timeline in that resolution there are a number of other provisions in there that if he were on the river and had concern about this trail he would realize that this thing is not going to be resuscitated somehow surreptitiously by some staff person. It says in here very clearly that we're changing the route of the trail and that we're going through the process of doing that. This resolution is very clear that the route of the trail has been changed. There are procedural steps that we need to take to give people as much comfort as we can that it's not going to be back in some other form. This is still in effect and we're taking it seriously.

Councilor Cummings stated it's important to have some sort of target, not open-ended. If you don't have a target you're not going to hit it. You have to have a goal; you have to have something out into the future to aim for. He knows that sometimes things come up and he'd rather ask the people, tell them we're almost there but we're a month short and then give an update in regards to where we're at. But if don't have a target you don't hit something. You have to have a target. At this point in time, next to the local improvement districts and the advanced financing districts and some of those items, this should be the top priority. Having time frames in here, somehow or another we need to build credibility. In this matter it gives us a target; it gives us time certain and he feels more comfortable having time frames than he does having it open-ended. He'd rather ask and say well, we're thirty days short, our notices are in place, it's stated for Council adoption. Knowing that it's thirty days late is better than it is into the future.

Councilor Wendle stated she has some concerns because she believes she heard the other issues that will be going through the same department, we're talking about local improvement districts and advanced financing districts and whether it's conceivable for us to keep our plan as we have as a work plan and also take this on as a top priority. We all need to buy into that fact because we just have so much staff and there are only so many of us. If we're having it as a priority then we all understand that some of the other things that we would dearly like to have are going to possibly be put on the back burner. It's just a reality of things.

She's wondering also if the current resolution initiates the process to amend the transportation plan and we have initiated the process. It's just down the "furthermore" where we're having the problem. Is it our intent that we amend the "furthermore" and retain the rest of the resolution as it's written? City Attorney Woodburn asked are you suggesting to take out certain language?

Councilor Wendle stated she's suggesting that we have the first "furthermore" stay and the second one is the PAPA to implement the amended Master Parks and Recreation Plan into the City's Comprehensive Plan. It says within three months. She believes that's where we're having our problem because the first one, we have initiated the process. Is she correct? City Manager Frasher replied we have not formally initiated that. He directed staff and they have it on

the work schedule. When you say initiated he thinks what this resolution contemplates is we initiated by notifying the State that we're going to amend our Comp Plan. That's the thing that needs the staff work and research and the report before we do it.

Councilor Paquin stated he doesn't agree with Councilor Cummings that we have to have a targeted deadline. He does think that the City Council directs the staff and City Manager to make it a high priority. That would work. The thing that kind of scares him is that if we are in crunch time with local improvement districts and advanced financing districts and all the other things that come up plus things we don't know they're going to come up that if we have a date certain like that and it's not as high a priority as something else that comes up that we don't even know about at least it gives us some flexibility. We work in business, Councilor Cummings works in business all the time and he can say he's going to get this done by September 4th, 3:30 in the afternoon; he doesn't necessarily think that works.

Councilor Wendle, he wasn't clear on whether you agree that we need to have a high priority open ended or if we need to stick with the dates. He didn't really get that.

Councilor Wendle stated she's just saying whatever the decision is from the Council we need to all agree that some other things that we may have placed as a priority are not going to be a priority if this becomes our top priority.

Councilor Kangas stated he has to agree with Councilor Cummings and Councilor Richardson that we do need to make this a time certain and Councilor Cummings addressed Councilor Paquin's issues. If something happens and it's going to be a few days late or something comes up that we use the benchmarks that Councilor Richardson talked about that we're going to have those benchmarks and we're going to know where everybody stands as Director Huber is going along in his process and then when it goes to the State. So he has to agree with both Councilor Cummings and Councilor Richardson on that.

Mayor Holzinger stated we need a motion.

City Attorney Woodburn stated what Councilor Richardson said about public meetings is exactly correct. It doesn't have to be. He would point out that this Council has adopted a resolution, 4899, which does give and he remembers not long ago we learned it was five minutes

instead of three minutes for the public to speak on items that are on the agenda. So while Councilor Richardson is exactly correct there is no legal right under State law with respect to speaking there does appear to be an adopted Council rule. Having said that, he thinks the Charter trumps it and quite frankly the Mayor is going to do what the Mayor is going to do.

Mayor Holzinger stated he needs a motion.

Councilor Kangas stated he'll make a motion that we adopt this resolution with the time frame in there. If there was any way to put a note in there that we will be notified line Councilor Richardson said on the benchmarks if that's possible otherwise he'll just make a motion that we pass this resolution. [A second wasn't apparent]

[From the audience, off mic, unknown speaker: What about the public?]

Mayor Holzinger stated you get to talk after the resolution has been made but before the vote. What we're going to do, because of the lateness in time, we're going to ask for a show of hands and then probably have one or two people speak. Now, we have a motion and a second.

City Attorney Woodburn stated if the intent, because of the time and it's the lunch hour, is to allow public input and somehow shorten it, historically we've always allowed the input before it goes to Council. If that was the intent, which is what he thinks he heard you say, Mayor, then we might want to open it up before accepting a motion.

Mayor Holzinger stated Councilor Cummings is suggesting we limit it to five people with three minutes each. Is that okay?

Councilor Richardson stated if we have a pro and a con why wouldn't we limit it to the one person to speak for all of them?

Mayor Holzinger asked how many in the audience are against this resolution. A resolution of the City Council to extend the deadline to initiate Comprehensive Plan and Master Plan amendments related to river trail. It's suggesting staff needs three months to initiate these amendments and an additional four months to complete the process with final total of seven months.

Councilor Cummings stated this amendment adds to the current amendment in place to give the staff the needed amount of time to get the thing completed. That's what we're trying to

do. How many people would like to speak to this issue? He didn't ask for or against but how many people would like to speak to the issue? [Six audience members raised their hand]

Mayor Holzinger asked if Ed Bowers wished to speak at this time; Mr. Bowers declined in favor of Holger Sommer speaking first.

Holger Sommer, 2000 Hugo Road, Merlin, Oregon stated being very familiar with this resolution, the three months were put into this resolution for exactly that purpose that the three months were given to the Planning Department to initiate the process at the end of that three months. This didn't happen. He asks you now to give another three months to the Planning Department or the Community Development Department to do exactly the same thing and after the three months or within the three months, by the end of the three months to initiate the process which is triggered by sending the notice to the board. He doesn't really care what happens after that. That is the bottom line. If you then run it through your process and you limp along, that's fine but it doesn't really matter because the process has initiated. He has big concern about some of the things which were made in these comments here leading to this decision. He hears from staff, he hears from your obligations to follow your work assignments or your work plan. Staff has actually the Comprehensive Plan amendment on July 27th for the Home Depot. That is a slap in the face of the public.

Councilor Richardson stated Mayor, she has a point of privilege. She would ask that the speaker confine his remarks to the specific point and not bring in a lot of other issues. If he would like us to extend or reduce the deadline, that's fine, but we don't need extraneous information.

Mr. Sommer stated let him comment on this because his time is not up yet. Shut up.

Councilor Richardson stated she has called a point of privilege and believes that takes precedence over any other motion.

Mr. Sommer stated the Mayor didn't give you the right to speak. You had your right to speak.

Councilor Richardson stated she called the point of privilege.

Mr. Sommer stated that's over you've already finished that.

Councilor Richardson stated and the Mayor has not yet ruled. That means you get to sit

down or stand down until he rules.

Mayor Holzinger stated go ahead and finish Mr. Sommer but eliminate the Home Depot.

Mr. Sommer stated obviously the Planning Department had time to do Comprehensive Plan amendments which this particular Comprehensive Plan amendment which we have asked for was pending since 1983. 1984 actually when the Master Parks Plan was adopted but never even acknowledged. The riverfront plan was finished in 1999 or 1996. A lot of time to think about it and work with it. He doesn't see any reason why it should take three months to pull the bits and pieces together, to check against current land use rules and land use applications and changes and put the package together and send the draft to DLCD. That is not a three month task in his opinion. And he's familiar with that kind of process quite well.

Ed Bowers, 1104 Luzon Lane, Grants Pass, Oregon stated he'd like to make a couple of things very clear. We do not have any other agenda, our group. We're concerned what happened. We don't have any problems with the City Council. He had a chance to talk to several today and that's not the problem. Three months have gone by and apparently nothing was done period. There is no credibility. We're concerned about that. He's not up here to beat up on any staff member. He knows you guys are busy. But there needs to be some sort of a way the City Council is comfortable and knows something is getting done. There needs to be a way that we'll get some comfort to the City Council and the people involved. That's the problem. A simple suggestion, he doesn't like to us the word report card but possibly something could be done so that a weekly thing could be sent to the Mayor just so that if there was a problem it would become aware and the Mayor would know. City Manager Frasher mentioned that he felt we had a "we got you" program last Wednesday. That was not the intention. But he's seriously concerned that if we can't get some kind of a report on this thing on a relatively weekly or monthly basis that it's going to be very difficult to build any trust in this community and that's sad because there are lots of issues out here in the next sixty, ninety, six months, nine months that need to be taken care of. We've had a \$35M storm drain thing that's going to come up. How in the heck can we go and ask our citizens to sign onto that sort of program if we can't even take care of something like this that's a hot button issue? Do some serious thinking. There needs to be some way that this

communication can be left open. It's important.

William Shade stated he lives on Ironwood Drive adjacent to the Reinhart Park. He's a little confused about the resolution. As he understood it, about three months ago when he attended the meeting that the Council agreed that the plan to provide for a river trail in areas that were residential in nature was being dropped and dropped basically forever. He understood however that certain areas down where commercial properties were located were not going to be included in that. He's curious. Is he in error in that regard? City Manager Frasher replied it probably just depends on what you are looking at as the facts. The Council's resolution pretty well states what the new route is going to be. Most if not all of the residential properties that were affected in the map (he's not going to try to describe that, you can see it for yourself) were deleted from the plan. They still are.

Mr. Shade stated basically you're saying that those of us who live on the river in residential areas are not going to be affected by this. City Manager Frasher replied in areas that are on the map according to the new route.

Mr. Shade stated okay, that's all he wanted to know.

Judy Frazier, 518 Edgewater Drive, Grants Pass, Oregon stated she believes her question was just answered because she was under the assumption three months ago also that it was dropped and we no longer had to worry about it. As an aging person she could go to sleep at night and not have to worry about someone tramping through her backyard anymore. Then today she thought that that was different. So she does appreciate the deal. But the one thing she would like to know is what assurance do we have then that if at the end of seven months, if you go seven months, that we won't get the same story as we got today in that "we just couldn't get it done." So now we need another seven months and then we go back to not sleeping again.

Mayor Holzinger stated you have his word that you will have something in seven months if not sooner.

City Manager Frasher stated he just wants to assure anyone who has a question like the one that was just posed that again, the original resolution that rerouted the trail is still in effect and staff is still going to operate as if all the housekeeping details as far as amending the plans had

already taken place so there's not some sort of renewed effort to revive this trail plan that so many of you are fearful of. Even though the procedural steps with DLCD and the State and the actual amendment process hasn't been completed, that doesn't mean that this thing is back and that you have to lose sleep at night worrying that it's coming back. However, a lot of folks would be more comfortable and feel like there was more certitude in that assurance once the plans are all amended. The resolution is in place but the plans haven't been amended yet and that's the important distinction that he hopes you can understand.

Pamela Hackett, 255 SW Central Avenue, Grants Pass, Oregon stated the request for the extension for whatever had to be done to initiate the process is akin to a child who's been irresponsible initially and then coming back to you and asking you for an opportunity to be responsible again. That opportunity has been blown. She doesn't think an additional seven months should be permitted because she has lost faith in the fact that it wasn't done in the past. So she doesn't have the trust. If there should be any additional time, it should be perhaps three or four months because three months have already been wasted and it wasn't initiated. She doesn't think that seven months is a proper response to that. She agrees with a timeline and a report card because for the citizens to have faith they need faith in the process and that's the only thing that would make us feel comfortable. Sometimes you politely have to tell people that your boot is really hurting their neck but if you can't tell them in a polite way then you have to say it the best way you can and no harm intended. Hitler played classical music when men, women and children were gassed. So civility has its place. She's not comparing the Council to Nazis; don't make that assumption. But she's just making a point about civility. When you're talking about people's homes, their lives, their future, we try to be civil but it's a very emotional issue. There's a woman in Portland. She's 90 years old. The city or the commissioners are not implementing Measure 37 because this woman owns lots of property in the hills of Portland and they refuse to implement it because she's 90 years old and they're hoping she dies before they have to implement the Measure 37. So what she's saying is she thinks we have enough faith and trust the past three months and honestly thinks it has been blown and another seven months is not appropriate. Those three months have been lost and the only time that she can see that's possibly agreeable

to meet is an additional four months with a report card.

Kathleen Headley, 398 SW Short Street, Grants Pass, Oregon stated she wants to talk about the fear that this has caused us for the last couple of years. She doesn't think you really understand the fear of having people traipse through the backyard and the trust that she doesn't have right now for the City. She thanked the City Council. She cannot tell you how much she thanked you for unanimously saying yes, we want this resolution. But when we have things like this come out in the City none of us received it in our own homes and it's going through twenty-eight properties, none of us for two years have ever been told about it and then we go to the City and they say yes, we would condemn your property if it held up the trail and then she hears here at a Council meeting that "oh no, we would never think of condemning property" and she's hearing both things, something from the Planning Department and them saying something totally different at the City. All she's hearing are lies and then we have three months and nothing is done and they want seven more months. Do you think that we trust what's going on? She doesn't trust.

Mayor Holzinger stated we have said a mistake has been made. We're trying to rectify it today.

Ms. Frazier stated she is fearful. That's all she can say. She's fearful and she really doesn't want another seven months of worry. She would like to see, they already have three months. Maybe another three months.

Mayor Holzinger stated nothing was done in the three months because it fell through the cracks.

Ms. Frazier stated it certainly did and she's frightened that it's going to go on and on and on. She'd like an end to it and she doesn't want to go another seven months. That's all she has to say.

Jan Battersby, 1104 Luzon Lane, Grants Pass stated she has a question for the City Council. First of all she wants to thank you for what you did. The resolution that you passed, we all appreciate it. We have nothing but good things to say about our City Council. We really respect that you made that decision. She does have one question and that would be are we asking for such a long timeframe to get this taken care of, was there any grant money that was accepted

and had to be returned this year in regards to the bicycle trail. That would be her question to ask.

Director Huber replied he's not aware of any grand dollars that had to be returned.

[Ms. Battersby off mic] Director Huber replied he doesn't know. [Ms. Battersby off mic]

Mayor Holzinger closed the public part of the hearing and turned it back to Council for action.

Councilor Wendle stated she would move the amendment to Resolution 5234 that was approved on the 12th day of June to have the amended timeline.

Councilor Kangas stated point of order. He thought we had a motion already?

Mayor Holzinger stated we're do and we're just restating the motion.

RESOLUTION NO. 5278

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS TO EXTEND THE DEADLINE TO INITIATE COMPREHENSIVE PLAN AND MASTER PLAN AMENDMENTS RELATING TO RIVERFRONT TRAIL.

Councilor Wendle moved and Councilor Paquin seconded a motion to adopt Resolution No. 5278. The vote was as follows: "AYES": Paquin, Cummings, Renfro, Kangas, Richardson, Patterson and Wendle. "NAYS": None. Absent: Berger.

Having received a favorable vote, Mayor Holzinger declared Resolution No. 5278 to be duly adopted.

- b. Motion to approve liquor license for Elegance Incorporated.

MOTION

Councilor Patterson moved and Councilor Richardson seconded a motion to approve liquor license for Elegance Incorporated. The motion passed unanimously.

3. WORKSHOP

- a. Decision – Audit Question

Councilor Richardson asked what do we need to do about these audits. Do we need to get that cleared as soon as possible? City Manager Frasher replied we do need to have a decision. He doesn't know; does staff need that today or can they wait one more week? We could do it next time.

City Manager Frasher stated every time we have some anomaly come along, no matter what it is, we've had citizens file complaints and request investigations that weren't in the work plan which we've done and we're doing more of them. Some of these things are even self-inflicted

as you know. In honesty our work plan is probably a little too ambitious. Next year in January when we have our retreat he's going to be suggesting we pare that back so that we can have 20% or 25% of staff time available for walk-in unanticipated events like we're experiencing. He apologizes for this delay but he's also going to give you his word that we will get this thing done.

Director Huber stated there was another text amendment that was very important to you months and months ago which was architectural standards. We have not been able to touch that. No one is complaining about it so we haven't gotten in trouble over it. This is the architectural standards for industrial properties. We simply don't have enough staff to work on it; it's that simple. He just wants to let you know it's not going to be done as quickly as you wanted it done.

Councilor Patterson stated that's a great example. That at one time was a very high priority issue for us because of some of the things that went on in this City. It is just one more thing that we're going to have to try to get completed. He believes that a 25% cushion to get walk-in issues taken care of may not even be enough. There is a lot of this stuff going on right now and there is a lot that we need to accomplish. Director Huber, that is one of them that he wants to see accomplished but he understands that the priorities that changed throughout our year has to be adjusted for and he does understand and hopes that the public would understand also.

Councilor Renfro stated he was wondering, since we have so much problem with people asking for info that's not readily available on the internet, maybe you could initiate a volunteer program of some concerned citizens that would be able to be trained somewhat to look up documents and so forth on a volunteer basis rather than paid position. Volunteers are used for all kinds of things and if you have somebody who maybe has had some experience like that who is retired and wants something to do, this might be the position for them.

4. ADJOURN

There being no further business to come before the Council, Mayor Holzinger adjourned the workshop at 12:59 p.m.

These minutes were prepared by contract minute taker, Connie Murray.

The Council of the City of Grants Pass met in regular session on the above date with Mayor Holzinger presiding. The following Councilors were present: Cummings, Wendle, Kangas, Renfro, Paquin, Berger, Richardson and Patterson. Also present and representing the City were City Manager Frasher, Assistant City Manager Samson, City Attorney Woodburn, Acting Finance Director Lange, Community Development Director Huber, Public Works Director Wright, Public Safety Director Henner and Parks and Community Services Director Seybold.

PRESENTATION: PAST COUNCILOR RECOGNITION – BRIAN THOMPSON

City Manager Frasher, on behalf of all the staff, the Mayor and the City Council, presented former Councilor Brian Thompson with a token of the City's appreciation for his service to the community. Ed Bowers also presented Mr. Thompson with a token of gratitude for his hours of service to the City.

1. PUBLIC HEARING

- a. Appeal of the Urban Area Planning Commission's decision to affirm the Director's denial of the Will-West Major Site Plan Review.

Councilor Paquin stated he recused himself on this issue not because he has a conflict of interest, not because he has a potential conflict of interest but in this particular case it's a bias. The applicant is a friend of his and he does have extensive ex parte information.

Councilor Richardson stated since she heard this as part of the Planning Commission, she going to have to recuse herself as well.

Councilor Berger stated she wanted to disclose that she actually met Jim Williams for the first time yesterday and had a discussion with him, not on this particular issue but on traffic issues in general. It was a fairly short discussion so she doesn't think she needs to recuse herself but she wanted to disclose that.

City Attorney Woodburn stated if you had information about traffic in general, if it had anything to do with this particular matter, you should just disclose the content of the ex parte communication. He says that knowing that traffic was one of the primary issues in this. If you did,

it would be good to disclose whatever ex parte contact you had.

Councilor Berger stated okay, she'll try to recall. She thinks we both agreed that traffic was somewhat of a nightmare generally in Grants Pass and needed to be addressed somehow. If you want her to recuse herself, she will be happy to do so.

City Attorney Woodburn stated no, you don't have to recuse yourself. One of the reasons on these quasi-judicial things you want to try to avoid ex parte contact is because the obligation is to make sure everyone on the board has the same information that you have when the decision is made. Generally when you're taking ex parte you should be as detailed as possible. If that was really all your communication was with him, that's fine. You don't need to recuse yourself if you feel you're not going to be biased.

Councilor Berger stated she found Mr. Williams in her driveway so it was hard for her to avoid him. That's a fair summary. She really honestly doesn't even remember the details.

She has another matter concerning this which perhaps this is the right time to bring it up. It's something that was presented to Council as part of the packet. This particular memo, there is no name on it, no date, no page numbers. She started reading it today and the question came to her who did it come from and then she found somewhere in here a quote from her which is definitely a misquote because she did not say anything like that. She would only ask, she guesses this is part of the record but for the record she'll say that is a misquote. But she would ask that staff require when anybody puts something in for the record that at least they put their name on it before it comes before us.

City Attorney Woodburn stated we're really not familiar with what memo you're referring to.

Councilor Berger stated she got it; she assumed everybody else got it as well.

City Attorney Woodburn asked does it relate to this particular hearing? Councilor Berger replied yes.

City Attorney Woodburn asked did you read it? Councilor Berger replied she read probably half of it then when she got to the thing that misquoted; she was kind of skeptical as she was reading it and then when she got to the quote of hers she became very skeptical and then

she put it down. It pertains to this and it seems to go on to a number of other issues that are currently before the Council.

City Attorney Woodburn asked for time to review the document Councilor Berger was referring to. After his review he stated the synopsis is that apparently Councilor Berger is in possession of some sort of document which has a lot of information about this particular hearing. She is not sure how she came into possession of it. He spoke with Mr. Dole. Neither one of us have ever seen this document. We both agree that the record really is closed on this hearing. You've seen what you're going to see and you're to the point of just voting. For Councilor Berger to continue she would have to then share a lot of ex parte communication. The most appropriate thing to do so we don't skew the record is for Councilor Berger to step down and for this obviously not to be made part of the record because she would have to share what appears to be numerous pages of ex parte contact relating to this. He's also going to take a look at it and see if it relates to any other issue on tonight's agenda that Councilor Berger may be partaking in. To keep the record secure the best thing to do is for Councilor Berger to step down so we don't have to share that with everyone.

Councilor Berger recused herself from the hearing.

Mayor Holzinger asked now do we go to a vote? City Attorney Woodburn replied yes. Council can discuss amongst themselves but the record is closed and they have all the evidence and arguments that they're going to hear.

Councilor Cummings stated he's going to probably support the appeal this evening because first of all the street should be our responsibility. The failing intersection should be something that we're looking at. We've kind of known of a bunch of failing intersections for quite some time, in excess of two years. He heard testimony in regards to the blood or deaths or some injury to people and accidents would be on our hands but accidents happen on streets that are rated A's, B's, C's and D's. Accidents occur because people make really bad decisions or they don't see a car coming. There was one last night on Williams Highway that he went past that was much the same thing. He believes that putting all the responsibility on that one fellow, on the applicant, is going to be a problem with rough proportionality in regards to fairness. He believes

the impact is very minor. The applicant should pay something toward that intersection. He should be part of the solution to it.

Councilor Renfro stated he thought that we put this off to hear some supporting documents. [Council members pointed out the page numbers of the supporting documents in the packet]

Councilor Renfro stated he had a question on a concern about the evidence that was presented to us last meeting. As he understands it the Council for the appellant stated that the rule that was used to deny this is that the intersection of 'M' and Mill Street is unsignalized which makes it nonbinding. So he's confused on who is right on this. If it only applies to a signalized intersection and that's that not a signalized intersection, how can we use that? That's what his quandary is right now. Can City Attorney Woodburn or somebody answer that? City Attorney Woodburn replied he talked with Director Huber about this prior to the meeting. The record is closed and when you start asking questions about further written argument, there is no more written submittal from the City so it would be inappropriate to add to the record by responding in an adversarial way on behalf of the City right now. Any questions you have, he would refer you to the record that's already been made rather than answer your question.

Councilor Kangas stated he thinks we discussed that at the last hearing and it is an intersection. It talks about streets. And it is a failing intersection. A little contrary to what Councilor Cummings said he doesn't believe we should send any more cars through a failing intersection. The City Council should be consistent in our decisions and we were consistent in another decision last week and we should be consistent in this one.

Councilor Patterson stated he's going to agree with Councilor Kangas. We've got rules and regulations and ordinances that control what is a failing and non-failing intersection. Any people who have spent time waiting to get through that intersection know it's failing. He feels that adding one more trip, eight more trips, or whatever trips through that is not going to make it any better; it will worsen it so he's going to affirm the decision by the Urban Area Planning Commission.

MOTION

Councilor Kangas moved and Councilor Patterson seconded a motion to affirm the Urban Area Planning Commission's denial of the Will West Industrial Site Major Site Plan Review. The vote was as follows: "AYES": Kangas, Patterson and Wendle. "NAYS": Renfro and Cummings. Abstain: Berger, Paquin and Richardson.

- b. Appeal of Sign Code restriction limiting the maximum allowable square footage of an individual wall sign for Famous Footwear.

Councilor Cumming abstained from this hearing.

Director Huber stated this is an appeal of the decision to deny a sign permit. If you recall, the sign code is part of the Municipal Code; it's not part of the Development Code so this is not a land use decision. When permits are denied, they're simply denied on the facts of the case, do they meet the standards of the Sign Code or not. There are two criteria that have to be met. This is simply an appeal of the denial of a sign permit for this business, Famous Footwear, located in the Grants Pass Shopping Center.

The Sign Code is found in 19.21 of the Municipal Code. What is before you this evening is a request to approve their sign application. For a business at this location the sign code allows 80 square feet of attached signage. What they're proposing is that they be allowed 113 square feet.

The location map shows the property, a portion of Grants Pass Shopping Center. This is a property that is just east of where Staples is located. The aerial photo shows 'F' Street, Staples and the location of the business, Famous Footwear. The next slide simply shows what is proposed, an elevation of the frontage of the building and what the signage would look like. It's approximately 3 feet high, 3 foot letters and the length is 37½ feet. It's just under 131 square feet. Again, for multiple businesses in this kind of a storefront, the code allows 80 square feet each.

There are two criteria. These are not variances as you would see in a land use decision. These are simply criteria by which you appeal something that's contained in the Municipal Code. It's simply based on the facts of the case. 80 square feet is allowed; they're asking for 113.

There are two things – first the appeal is required to alleviate unique physical circumstances or conditions and then examples of those are lot dimensions, topography, other physical conditions or to enhance significance of the building located within the Historic District.

You can ignore the second part because it's not within the Historic District. The second criterion is that it's the minimum increase that would be required to do one of two things, either prevent unnecessary hardship or to allow reasonable use of property. Those are the two basis on which you have to render your decision.

In terms of general findings (these are our findings; you need to make your own when you render your decision) our belief is that allowing this signage actually gives them a special right that's not available to others within that shopping center. We went through some sign permits that had been issued. There are really two sets of sign permits. There are ones that were issued years ago prior to 1998. In December, 1998, the City Council adopted a brand new sign code and provisions for attached and free standing signs, etcetera, changed. Some of the older signs are larger than that and the ones that we tracked down since then have been within the limits established by the code. We didn't see that this was really anything different.

In this case there are two kinds of signs that seem to be applicable. One is the monument or the free-standing signs and then there are the ones that are actually attached. It seems that the intent is really that the free-standing or the monument signs are the ones that are prominent. Those are generally along your frontage. Those are the ones that really attract motorists. Once you get onsite, the signs seem to be a little bit smaller and those identify the individual businesses. There are multiple frontages. There is the Beacon frontage, this 'F' Street frontage and there is also 'D' Street. They could actually have three free-standing signs. So there are the wall signs and the free-standing signs that afford adequate advertising.

In terms of the specifics there are two criteria. First of all is there really anything unusual about this, what is the unique circumstance? They presented, correctly so, that it's a very large setback from 'F' Street. He believes it's about 500 feet. However that is not very unusual or atypical for shopping center design or big box retail design. Typically the way these are built the front part of the property is occupied by parking and the rear part is where you see the building which begets these large setbacks. It's really not that unusual or unique that they set so far back from the street. Then the other one about the minimum in order to prevent unnecessary hardship or to allow reasonable use, the proposal is about 40% greater than what's allowed. Again they're

asking for 113 and the code allows 80. Given the kind of signage that they are allowed, the 80 square feet, and then advertising on the monument signs, there is nothing that's been presented that would really show why not granting this creates a hardship or how does that prevent reasonable use of the property. There are other businesses within the shopping center that fit within this limitation. So we didn't feel that those two criteria had been adequately addressed.

The recommendation is simply that you deny the appeal and simply apply the provisions of the sign code. He'll be happy to answer any questions.

Mayor Holzinger asked that Director Huber go back to the measurement of the sign. What is the height of the letters? Director Huber replied right there is the height, three feet zero inches and then the length is thirty-seven feet five inches.

Councilor Paquin stated he knows you had addressed the old sign code and there are signs that don't meet the current sign code. Have we made any exceptions under the modern sign code for a larger sign and have there been other applications for larger signs for a variance and it's been turned down? Director Huber replied he didn't find any in the Grants Pass Shopping Center. He knows in Parkway Village there was a request for some signs larger than what's allowed. That was denied. That's the only one that comes to mind. The only one he really looked at was the Grants Pass Shopping Center. Just to clarify, this is not a variance. Again, variance is with land use decisions. This is simply an appeal of provisions of the code.

Mayor Holzinger asked if the appellant wished to speak before the Council.

William Tolin, 4520 Jump Off Joe Creek Road, Grants Pass, Oregon stated he represents Western Sign Systems. He prepared his comments for this evening based on the staff recommendations in the report that he read, the report they prepared for the Council stating their reasons why they believe this application should be denied. The staff response to item 1 of the criteria, there are several responses. One was that the setback from the road, 400 or 500 feet, was offset by the allowed 400 square foot free-standing sign that is on that elevation. That sign has already reached its maximum capacity. There is no room for additional tenants so that doesn't provide any solution at all. There are about thirty-seven lease sites in the shopping center. On a 400 square foot sign if you divided those up equally that would be about 11 square

feet per tenant for free-standing tenant sign. That isn't going to meet anyone's needs and that's not going to identify the businesses in the location or draw people in. Now presence on a tenant's sign is certainly a plus for those businesses fortunate enough to have it but it certainly doesn't create an offset to adequate building signage for the rest of the tenants nor does it create an offset for those with presence there. They still need adequate building signage to identify them at a glance.

Tenant sign is a primary tool for drawing customers. That's what the Planning Department is telling us. That's the main way that businesses are going to draw customers in. It's a nice theory if you're not a business owner. It does not stand up well in light of the advertising practices of today's successful companies. A business would not spend a significant portion of their profit on television, radio, newspaper, magazine and even internet advertising if they could simply have a tenant sign bring in the customers for them. A good legible sign is a very important part to bring customers in the door. It identifies the location not only for those responding to other forms of advertisement but especially those not exposed to the other forms of advertisement. That is why companies spend so much time and money trying to brand their location and brand their product.

Staff response topography is not a factor as the shopping center is nearly flat. It is nearly flat but it is a factor for several reasons. One, if everything is on the same plane, the same level, then it's hard to be noticeable, to stand out or you may not be seen at all. Although the shopping center is flat and level, some of the streets around it are not. Some are elevated and actually makes the motorist eye level contact with the center about the level of the sign band. That makes having a legible sign on the building critical to the business there.

Staff mentioned parking lot. Trees create an obstruction that is offset by the tenant signs. Again, we're back to the theory that the tenant sign is a cure-all for every business in the shopping center. It isn't. It helps those few that have a presence there but it doesn't do anything for the rest of the folks. The trees in the center do present a challenge as do the trees along the streets adjoining the center. It's more of a challenge in the summer than it is in the winter because most the trees lose their leaves. But it is an issue that warrants having signage that is

large enough to be seen.

There is another issue to consider. The physical location of this storefront in the shopping center is near the middle of a very long building and is somewhat obscured by the Bank of America building. Also the intersection and signal by Bank of America requires more attention from the driving public than a straight section of road without an intersection. [] make it even more important to have a sign that is clearly and legibly recognizable quickly and easily.

In answer to staff response he submits we have clearly met the criteria of item 1 in that a sign larger than 80 square feet is required to offset critical circumstances or conditions such as distance from public thoroughfare, lot dimension, topography, obstructions from trees in the center and public road, and even buildings in the way.

Section 2 of the staff response says the size requested is not needed to prevent unnecessary hardship or allow reasonable use of the property. Staff goes on to assert this is due at least in part to the center being successful. He would point out most of the signs in the center have larger letters than what we are requesting. If this shows anything it is that a business must have adequate signage to draw customers to the door. Thank you for making his point.

Staff also responds one solution is to reduce the letter size from 3 feet to 2.13 feet. This is close to a 30% reduction from the minimum we need. That's not a solution; it is simply changing the sign to meet the current sign code for kind of a one size fits all requirement. If it was a viable solution we wouldn't be here tonight.

Staff references a 30 square foot tenant panel in an existing monument sign on Beacon Street. He fails to see how that addresses the issues related to the size of the building letters. That sign is 1,000 feet or more from his client's doors.

Staff proposes applicant can apply for signs on 'D' and 'F' Street. Not on 'F' Street; the allocation is used up.

The final conclusion from staff is that it's not the primary purpose of wall signs to draw motor traffic to a site. That is the function of the large monument signs that are permitted. Quite frankly, staff was wrong. The primary purpose of the sign is to identify your location and/or product and bring customers in the door. It does not matter if it is a wall sign, a free-standing sign,

or even a billboard.

Councilor Kangas asked have you looked at maybe if you reduced that to 2.13 feet and then also did one at 'F' and 'D'? Do both of them. Do you think that would help? Mr. Tolin replied there is a free-standing sign on the 'F' Street elevation. It is at maximum capacity now. There is no room to put additional signage up there. So there is no opportunity for free-standing signage at all on 'F' Street. 'D' Street is basically a residential street and he doesn't think anybody wants a bunch of big signs back there. Beacon Street has a sign on it which our client is planning on having a small, 30 square foot tenant panel but the main traffic flow is 'F' and Grants Pass Parkway. There is no opportunity to put any signage out there. So the only way his client can be seen is if their building sign is legible from the street. Most of the larger stores in the center have letters considerably taller than we're talking about. That's partly because of the number of characters in his customer's name. Famous Footwear has a lot of characters in it consequently even at 113 square feet you're only talking a 3-foot letter. If it was Shoes, Inc., we could have 4-foot letters and be about 60 square feet instead of 80 that the code allows. His understanding of the code, the reason it exists, is because Council recognizes that one size doesn't fit all. There are reasons why in one location or another or for one reason or another something different than standard needs to be done. And that's the case here. Because the name is so long we end up with more square footage than current code allows and a 3-foot letter will not compete well with a lot of the other larger stores in the shopping center but it at least gives us enough letter height to have a chance of being visible. And that's what we're asking for, a fair shot at market share, a fair shot at being visible, being noticeable and having people come in the door.

Councilor Richardson stated she was out there today and noticed that the area directly under the Famous doesn't even belong to you. It belongs to the store to your immediate left. If you were only allowed to have store frontage based on what you're leasing, how big would that sign be? Mr. Tolin replied he doesn't know that he has an answer to that but one of the options would be certainly to stack the letters rather than putting Famous Footwear all on one line. We'd still be looking at 3-foot letters and looking at probably the way signage is made here which is set in either a square or a rectangle that captures all of the outside points, it might actually be

considered more square footage than the linear basis that we have now.

Councilor Patterson stated does Western Sign System maintain those signs on the streets of 'F' and Beacon? Mr. Tolin replied we work for the shopping center at least part of the time.

Councilor Patterson stated and there is no free-standing sign on the street that backs that, 'D' Street? Mr. Tolin replied there is a small monument sign for Albertsons. He believes that's the only sign on 'D' Street.

Councilor Patterson asked is that 400 square feet? Mr. Tolin replied that would probably be under 20 square feet.

Mayor Holzinger asked if anyone in the audience would like to speak to this issue. Seeing none, he turned it back to Council for action.

Councilor Patterson stated the additional sign that could be placed on 'D' Street, would that take an appeal or could they go ahead and put a 400 square foot sign on that frontage? Director Huber replied they can apply for a free-standing sign on a different lot. There are several lots; he doesn't have the exact configuration. On the lot on which this sits they could apply for a sign permit for free-standing on 'D' Street. He doesn't know the exact size that it would be because he thinks the 400 depends on how it's allocated. He doesn't think one sign gets the whole 400.

Councilor Patterson stated what about on the Parkway? Director Huber replied no.

Councilor Patterson stated that's not considered the frontage? Director Huber replied say for example in front where there's a gas station, that has Parkway frontage; that's probably another one.

MOTION

Councilor Patterson moved and Councilor Wendle seconded a motion to deny 07-30500002: Famous Footwear Sign Cole Appeal. The vote was as follows: "AYES": Patterson, Wendle, Kangas, Richardson, Renfro, Paquin and Berger. "NAYS": None. Abstain: Cummings.

Having received a favorable vote, Mayor Holzinger declared the motion to have duly passed.

2. COUNCIL ACTION

- a. Resolution to override veto concerning adopting the position of Property Coordinator.

Mayor Holzinger stated in the past we have not had any discussion other than a vote. Do you want to let Assistant City Manager Samson make a presentation? He needs to have a show of hands. [Five Councilors raised their hands.]

Assistant City Manager Samson stated this one is the presentation on the proposal to create the position of property coordinator. The role of property coordinator would be these four things (reference overhead). They're a little different but they're all related and critical issues that the City needs to be dealing with. One is the purchase of right-of-way. She has a slide to show you what projects we have coming up in the near future. The other is purchase of property for City facilities. These facilities would include any park land, especially as you move out into the urban growth boundary when that expansion occurs. There also has been discussion about the need to relocate some of the City offices. Those are the kinds of things that we would look to this person to be working on. The City does own some property that we are working on selling so it would be managing that process. And then finally, to frankly do a better job at managing our property records that we have.

Historically the City Attorney has provided most of this work. The City Attorney indicated about a year ago, even before the recommendations from Justice Riggs, that this was really too much for the attorney to be taking on. There were too many properties that needed to be purchased. It just takes too long and it doesn't matter whether you're talking 12.5 square foot which is how much she needs to get for a signal at the corner of Willow or whether we're talking acres and acres. People need to have the time spent when you're talking about purchasing property. Then second of course is the recommendation from Justice Riggs that you have all talked about.

We did consider other options. We looked at contracting with a real estate or attorney and we also looked at contracting with a right-of-way firm.

Looking at expenses for this, we looked at this being a position that would be 32 hours, four days a week. Salary and benefits, you can see up there (reference overhead). We're looking at this being a professional position. This is not a secretary; this is not a messenger to

carry offers back and forth between two parties. This is somebody who will be able to sit down and negotiate and bring completed deals and make sure that those deals are done correctly. The amount that you see represents near top step for the position. We would anticipate that the position would be starting lower. It would depend on the qualifications. If we get somebody with fifteen years of right-of-way experience, they would probably start higher but we would expect that they would likely be starting at about \$10,000 less than that.

Overhead, training and travel, she wanted to make sure that there was no confusion. She didn't want you to think that the entire cost of the position was simply the cost for salary and benefits. We have tried to anticipate that in the first year to two. This is a lot of specialized work. This is not the standard kind of thing that most people know how to work on things like the right-of-way. We would anticipate that there would be significant training costs the first couple of years.

In terms of revenue, how would we pay for this position, most of it we would anticipate coming from the capital projects that we're working on. She'll go through the list. Those are primarily street projects. Occasionally there are other bits of right-of-way that need to be purchased. Right now we're trying to figure out how we go about purchasing an easement for a sewer line that we need to do as an emergency. The person that we've used years ago no longer offers that service. Then you can see less for facility and parkland. That wouldn't be a major portion of the projects. Then administration is just the records management portion.

These are the projects that have been identified for the next three years (reference overhead). This can change. These are projects that have been budgeted by the Council. Of course, that can change and you may decide that you don't want to move forward on one of them but right now these are the projects that are being talked about.

So what are the options? One of the options is to contract with a retired attorney or real estate. That was the option that was presented in the veto. There are some advantages to it. We could expect that they would be trained and have experience in some of the work. Attorneys particularly often have negotiation as part of their training. If you look exclusively at contract costs, it would likely be less per hour if you're talking about a retired attorney not a working attorney.

There are some disadvantages to it. It's unlikely that we will find somebody who has the training or the experience in working with right-of-way. Other than attorneys, we are looking at this person to be able to do the negotiation. It isn't just a messenger. It's going to need more supervision. They are not going to be familiar with projects. They aren't going to know where to get information that the City has so that will all fall most likely on her or somebody else in the office. They're going to need greater technical support and that she would expect is either going to fall on City Attorney Woodburn for the technical right-of-way legal issues or we'll hire out and have somebody help us to make sure that that happens correctly.

You don't have the kind of control that you do with an employee when you are dealing with their scheduling, their training because they are their own employer. They are not an employee; you can't tell them exactly how to do their job. And we would not be able to get the records management support out of it.

About a year ago she went out for requests for proposals for somebody to do this work for us because she could see that Redwood Avenue was coming. Ulys Stapleton at the time said he couldn't take this on for her. So she advertised throughout the State. She received one proposal back. She has heard no mention of anybody else. Whenever we've had any conversations, whenever she's talked to any other communities, she hasn't heard of any other firm that provides this service. So they would have the right-of-way; they would have a depth of experience in that. It's a firm that's located in Beaverton. We would expect that they would need minimal technical supervision because this is what they do. Because this is what they do, she thinks we could expect that they could meet our deadlines. They do have a higher per hour cost. We could anticipate that it would be higher than the retirees. It would also be higher than having our own employee do this. It would still require greater supervision than an in-house employee because they don't know what's going on. They don't hear people talking about a project. They don't read minutes. They just aren't as familiar with who we are and what we're doing. Again, scheduling would be that's what they get to do and again it would to bring the records management support.

Another option is to eliminate the need for the position. This certainly is the lowest cost

option that you'll have and it would actually free staff to work on other projects. But the problem is you stop doing some important things for the community. There are very few street projects that don't require the purchase of right-of-way. There are some but that's unusual. You would lose opportunities to purchase land needed for parks or trails or whatever it was. And you'd lose the opportunity to sell land that the City has.

The recommended option to you was to hire an employee. We are able to tell this person what they're going to do, when they're going to do it and how they're going to do it. She believes overall it's less costly and she has some costs for you. Then, they can provide services that a contractor is not going to be able to provide to us. We would anticipate that we would not be able to find an employee, somebody we could hire who would have all of the right-of-way experience but frankly she's not sure that that's the case. There are people who are employees right now at other agencies that may be interested in this.

In terms of cost, it's a little hard to do a comparison, a straight cost comparison on this. We don't have experience with the position and we don't have direct experience using a contractor. She can tell you that for some of Redwood Avenue she did hire an attorney to help with a couple of the properties. The cost for that was \$150 an hour for his work. Standard real estate agents, she doesn't know what the hourly rate would be. Certainly a commission would be a very difficult thing to use for it because on expensive pieces of property, such as the one that we recently sold, the commission would be very high. On the other hand, she would expect that they would not be interested in doing commission on the 12.5 square feet that we need to purchase on Redwood Avenue. What doesn't get figured into that is the additional costs, the additional City staff time that's going to be needed for supervision of that position. Contract, this one she can give you a better idea. Their costs on average, they have different cost levels but looking at how they spend their time and all it averages \$95 an hour and that does include expenses. But again you would have additional supervision time on that. A fully loaded employee is \$81 an hour. That includes all of their costs including training, office space, phone, transportation. They would certainly require some supervision but not as much as the others.

The conclusion that the staff came to and the recommendation to you was that the

employee would allow the projects that you have identified to move forward at the same speed so we can get these projects built; that it uses the existing employee's time the best; that should provide the greatest level of overall service. We aren't interested in just purchasing property. There also have been issues about how we manage our property records. We want to be able to do something about that. And overall it would be the most cost effective.

With that she'd be happy to answer any questions that she can.

Councilor Cummings stated you mentioned purchase right-of-way, purchase property for City facility and sell properties that's excess and then maintain records. Would you have kind of an idea what percentage of the time that individual would be spending on each one of those items? Assistant City Manager Samson replied right here where you get these costs, the \$60,000, \$15,000 and \$20,000, that's based on what percentage of their time. It's going to vary year to year whether we're doing big road projects, whether they're working on a new municipal building. She was trying to just estimate where did it look like on average where was the funding going to come from.

Councilor Cummings stated so that means 60% of the wage would be going towards right-of-way purchases it looks like. Assistant City Manager Samson replied a touch over, yes.

Councilor Paquin stated one thing you don't have in there and this may not be a big deal because he doesn't know how many properties we have like this but he knows we have a home that is rented or leased at the All Sports Park and we have to pay taxes on that when we do that and we also have management of that and collections of those. That is another element he would assume would be part of this. That's the only one that he knows that would be like that but if we have two or three it's all part of this process and that would be a responsibility of this person. Assistant City Manager Samson replied actually right now those are being managed and we have more than just the one in the park. We have a small house on 5th Street and that's being managed through Property Management.

[Councilor Paquin's comments off mic] Assistant City Manager Samson replied not at this time. Maybe if things moved around and there was a reason to move it here, but it seemed that some of the skills that were needed for that one are more of a maintenance kind of thing. So

she's not sure. This would at least give you the flexibility if you need to be moving time that was needed over for something else in the property management system because it's more than just the rentals. You could shift that to this person.

Councilor Renfro stated this is going to be a question he was going to put to City Manager Frasher when he got enough nerve. He was interested to know what properties Grants Pass owns and what their costs were when they were acquired and what they're used for. He knows that's a big job but if he asks that question where would you go to get this information right now? Assistant City Manager Samson replied some of that information we do have. We put together a spread sheet a couple, two or three years ago that lists every piece of property that we have, its location and its use. In terms of doing the research to determine what was the original purchase price, who did we purchase it from, that sort of thing, we would need to go through and look file by file individually and see what the answer is to those. For some of them we'll have the record in a file; for others it will take more research. Some of the properties we've had for a very, very long time. Certainly for the ones that we've acquired over the last twenty or thirty years we can get that information but for others it will be more difficult.

Councilor Renfro stated that would be an area that this property manager would take over and kind of manage to keep it up to date and so forth? Assistant City Manager Samson replied absolutely. We have received requests for that kind of information and it's difficult for us to take the time to actually do that so we do it bit by bit other than this one spread sheet that we did put together that includes all of the properties that we own.

Councilor Wendle stated isn't some of what was just now requested, isn't that also one of the areas in which Judge Riggs would be looking into? City Manager Frasher replied if we had an adequate record system now and it was maintained and developed, his guess is that Judge Riggs may not be necessary on the second go around that we're getting ready to engage him on. But he does want to draw the Council's attention to a recent example that we're all real familiar with because we're watching these Public Safety facilities go up right now. Over the past year four of our most expensive employees, himself, the Assistant City Manager, the Public Safety Director and City Attorney have all been involved in acquiring and developing those properties,

getting them ready for what is now new facilities going up that were approved by the voters in the last election. So what he's really concerned about is the efficiency here. He recognizes that a lot of what we do is technical and this seems more like a technical decision but he also recognizes that there are always political components to all these decisions. Whatever the Council decides, we'll try to work within those limits but he would feel remiss as your manager if he didn't let you know that he believes that failing to create this position, while it may be somewhat expedient for political reasons, it's important that you fully understand that in his opinion it means the City will actually do fewer projects, take longer to do them and that they'll cost more money. The most important thing, the most troubling part of this is if we don't have this position he doesn't think we're going to develop and maintain what he is really comfortable with as far as a filing system and records system. That is one of the things that the City has been roundly criticized for. He wishes Commissioner Raffenberg were here to hear him say this but it's one of things that he believes the County does better than we do. He doesn't think that's the rule, it's the exception but none the less they do it quite a bit better than we do. They use a fulltime person to do it and they are an organization of pretty similar size to us. The demand is there and as a growing community, one of the things he hears on the radio show every month is the desire for us to manage growth and deal with the impacts of growth. Without adequate staff capacity to provide these services we really can't do that. His recommendation is that you approve the position.

Councilor Berger stated she doesn't see this as (she's not sure what you're referring to City Manager Frasher) a political decision. When this was on the agenda last time, she actually did call several Councilors about it because she was concerned about the cost, the added expense and she supposes perhaps it would have helped to have this presentation ahead of time. She knows it's difficult getting things in a workshop but anyway she does have a few questions. Let her just say in addition to that, since she's been on Council she's seen a lot of (well she doesn't know if it's a lot); she'd kind of like an accounting of the number of new employees who have come on, what's the additional cost to the budget and all that. Now she'll get to her questions. City Manager Frasher just mentioned that the County has a fulltime person doing this sort of thing. Is that typical with cities or our size that they have a property

management position or is it handled? To her mind, granted she's never been a staff member but it would seem that it would be your job, Assistant City Manager Samson or partly your job and maybe partly the City [Attorney]. She doesn't know but is it typical that cities have a fulltime, well almost fulltime, property manager or is it because of the growth situation that we've had here that we need this? Assistant City Manager Samson replied she thinks you've hit on it with the comment about it depends on what's going on in the community. Some communities do this, some don't. Medford certainly does; Josephine County has had somebody on their staff for a number of years now.

Councilor Berger stated the only other question she's down to is she's still learning how budgets work but when you say that 63% of this is coming from capital project budgets, she thought, it was her understanding that you can't use capital project money for salaries. Is she incorrect? Assistant City Manager Samson replied correct. If the capital project includes staff time to work on it, then it does include [that] because a capital project will include the total cost for the project starting with staff time if staff designs it or if we contract it out then that would be different. There are administrative costs for capital projects. So capital projects can include staff time. With the cost, the capital costs will be there whether or not we have the position. It will simply be well is it an employee doing it or is it a contractor doing it and so what level of costs will there be but somebody has to do the work. Frankly she would not be a good person to be doing it. She's more expensive than this and this isn't her training although it does sound like kind of a fun job.

City Manager Frasher stated he'd like to ask the City Attorney, he knows you were recently in private practice. Can you give us some estimate of whether you think that \$150 an hour for a retired attorney is in the ballpark or accurate or what is your assessment on that? City Attorney Woodburn replied some people give the government discount rates. He's imagining that Assistant City Manager Samson got a discount rate if she got \$150 an hour. If anyone out there has hired an attorney even in Grants Pass, which he knows doesn't feel like it, it's a relatively low market, he doubts you got \$150 an hour. So if you were going to hire an attorney to do it, it would be more than that per hour generally.

Councilor Patterson stated we've been discussing over the last couple of years the growth of our community and the lack of growth in our staff. He has found that if you don't keep up with the workload your product, the quality, falls and we start having things drop through the cracks; people don't pay attention to those things that need attention. We have had that happen, embarrassingly, so he has to agree. We need to look at beefing up our staff to keep up with the growth of our community. Being that this is one of the recommendations made by Justice Riggs, it's money well spent. He doesn't think he would rather someone on staff doing it than paying some more of our department heads and staff trying to manage other contractors in the community which just again reduces the quality of the product of those people because of the workload they're under right now.

Councilor Cummings stated he thought one of the objectives was to limit our liability. That's kind of what we ran into before. He's trying to figure out the difference between the City Attorney handling it and another person where it's a limit of liability toward the City. It still seems like a City employee and it doesn't eliminate the liability that we're trying to get away from. City Manager Frasher stated on the issue of liability, the problem wasn't that the City Attorney was an employee. In fact all of our employees, when they're acting within the scope of their responsibilities, are fully covered by our insurance policy and we're not going to pay additional premiums because of hiring this position. What the real problem with the City Attorney doing it is if the City Attorney is doing the negotiations and handling all aspects of the transaction, not only is the City Attorney a lot more expensive than this, the other problem is that the City Attorney is then put in a position of having to give himself essentially legal advice because he's reviewing his own work. That's really what led to some of the concerns that Justice Riggs had and why we don't do that anymore.

Councilor Cummings stated he's been in real estate, put a real estate hat on instead of a builder or developer. He knows real estate quite well. He would figure that when you had a project you would normally send a surveyor out or the City surveyor would determine which properties you need to buy right-of-way in. Is that pretty much how you would discover what you need whether there's elevation changes for slope easements and all the other things that would

be needed. So he's just wondering and he knows that we've talked about having some of these. He's used to dealing with surveyors too so a surveyor would do a description of what you needed to purchase. Assistant City Manager Samson stated this person would not. They would work with the surveyor but usually the surveyor comes with the designer of the project.

Councilor Cummings stated right and then it would determine the amount of land you would have to purchase so then you'd have to have an appraisal done on the right-of-ways to determine values to try to purchase those, right? Assistant City Manager Samson replied right or what we have done, depending on if we're taking a very large amount of property then that's different but when we're taking two or three feet off the front, we'll do a couple of samples if the zoning is similar and then talk to folks and be able to use that instead of doing an appraisal for each property because you can quickly spend more on your appraisal than you do on the property and double your costs.

Councilor Cummings stated he absolutely understands what you're trying to accomplish. To him it seems too that one part of this is if you have a more expensive person doing this the record keeping doesn't seem like a function of this professional person. It seems like you're paying a high paid person to keep records. That just seems like you might be able to do it cheaper or a different way. Assistant City Manager Samson stated she doesn't visualize this person doing the actual filing in terms of records management. She sees this person setting up the system and controlling the information that goes into that system, creating the databases that you need so that you can have quick access. But she doesn't see them actually doing the filing portion of it or when somebody calls and asks for a record, they wouldn't need to be the only ones who had access to that information.

City Attorney Woodburn stated if he could add to that, the County has a really good program. One of the questions Councilor Renfro asked was if you want to know something about a piece of property and you want to know what do we own, what's it for, what's the use, what's the zoning, to actually be able to determine, look at a piece of property, hunt down all that information, know what it's for, be able to figure out what the zoning is, best use for it, the value to the City and project, that sort of thing and that's something the County has done with their filing

system. If you were to go ask him what a piece of property is, it's not just when did you buy it, what's it worth so there is a lot of analysis that they have done that this type of person could do which would really help the City manage the property they have better. So with respect to record keeping, it's not just record keeping it's [] value.

Councilor Berger stated she's curious, that County position, is it strictly a property management position and nothing else or is it kind of a job shared thing where they do other things and that's part of it. City Attorney Woodburn replied up until a few months or a year ago it was a fulltime position for a long period of time. He thinks in the last few months that position has changed significantly.

Councilor Richardson stated before we get into the danger of micromanaging our City Manager, she'd like to call the question and suggest we vote and in that mind she would move to override the veto.

Mayor Holzinger stated just a moment; he has the right to say something, okay? First of all, in the past we've read the veto message into the record. Could you read it please?

Councilor Richardson stated Mayor, she's called the question. We have to vote. She believes that's according to the order.

City Attorney Woodburn stated if he could, the Charter actually states specifically that it must be read to the Council. He sees where Councilor Richardson is going with the rules but the Charter would override that.

Acting Finance Director Lange read "A Resolution of the Council of the City of Grants Pass creating the position of property coordinator and amending the classification plan. There has been a significant public outcry against the formation of the property coordinator position and the cost associated with it. It is maintained that the expense is excessive for a part-time position. It has been suggested by several that a retired attorney or real estate professional could service the City's property needs as an independent contractor eliminating the cost of office space and benefits. These are financially tough times for many of our citizens. The perception of creating another City staff position which seems fairly high on the pay scale is less that tolerable."

Mayor Holzinger stated it's signed by him.

Councilor Richardson stated now that it's been read into the record, again she calls the question and asks for a vote. Specifically she moves that we override the Mayor's veto and adopt the position of property manager. [Councilor Patterson seconded the motion.]

Mayor Holzinger asked is there any more discussion.

Councilor Wendle stated she does agree with Councilor Richardson. It seems that when staff makes a recommendation about the most advantageous and actually accountable way for us to deal with an issue that was recommended by someone that we actually had on contract, Judge Riggs, either we should follow those recommendations or we should not even have someone making that recommendation to us. It's seems that we are micromanaging and when we do the evaluation of the City Manager, we should be at least be helping him fulfill his responsibility. Otherwise it bounces back to us if we have said something and made it possible for something to be going contrary to what the desires of our City Manager are.

Councilor Kangas stated he doesn't think (and maybe somebody can clarify this) that Judge Riggs suggested that we do something. Judge Riggs didn't suggest that we go hire somebody; he suggested that we do something. Is he correct or is he wrong? City Manager Frasher replied Judge Riggs' recommendation wasn't what we do as much as what we don't do. What he recommended we don't do is use the City Attorney.

Councilor Kangas stated that's the point he was getting at. He understands what you're saying and he understands what a lot of other people are saying but is there any way that we could try this other way and if it didn't work, we could come back to this to see if it might be a little cheaper to do it some other way? Following Judge Riggs' recommendation that we're doing something. Is he wrong or right in that regards? City Manager Frasher replied we can make work whatever parameters the Council puts in front of us. All he's telling you is if we don't create the position, it's our opinion that it will cost more, we'll do fewer projects and there will be more delay and we'll have probably somewhat of a hole in that records management piece. Those are the only caveats. We still will do some projects and we'll do them as fast as we can and we'll pay a little bit more to do them. He thinks that's it.

Councilor Paquin stated that's the bottom line. If we do it another way, especially a retired

attorney or a real estate person, it's going to cost us more money to get what we need to have done with the City property. It's actually a cost savings to us not more of an expense. It's been suggested to be \$150 an hour for a retired attorney or whatever it would happen to be or if we have a real estate person that they'd be hired for it but to do what we need to have done and have the record keeping and all the other things that go with it, this is the cheaper way to go for the citizens of Grants Pass.

Councilor Renfro stated he was real glad that we had this presentation tonight. He wishes we would have had it at the time when it first came up but we were out of time or something. He didn't feel good about the vote on this issue to start with. Since that time he's heard a number of people complain about what they call horrendous cost but when you explained it like you have it makes a sense. He is familiar with what the County has done with their property management. It's worked real well with them. It was chaos before and they've got it really under control. He would like to see Grants Pass have the same kind of system. For the offset of the cost that you've laid out there, we can well afford it. So he's going to go with it.

Councilor Patterson stated he's just kind of curious. The question was called a long time ago and he doesn't want to stifle debate but since everybody else had something to speak, he has too. Many people up here in the Council know what public outcry is about. And he did not hear the public outcry that he did for the river trail. That to him was great input from the public. He has heard nothing on this. He has seen it written and he doesn't know that he's been approached by anybody against this. The case has been put to us in a very succinct way that we need it and he will be supporting it.

Councilor Cummings stated he's somewhat torn in this thing because the benefit of paying a real estate person or somebody to go buy property seems silly when people make a living to bring you property. So he doesn't see a big benefit in that. He believes that realtors and those kinds of people will dispose of your property for a fee. You do that based on an appraisal. We've learned a lesson that when we sell or buy we need to get an appraisal and then hire a professional to handle it. So he doesn't see a whole lot of purpose there. He does see part of the right-of-way part of it. He wishes we had a different format than a veto. He doesn't necessarily

agree with the veto. He voted for it last time. He thought he was going to vote for it this time against the appeal and he's not sure yet.

Councilor Berger stated she'll just say her concern is about the growth of government and it seems this position may be necessary because the City has grown so much and what happens if that slows down? If the consensus of the Council is we slow down growth, what happens to this position in five years? Just what she has noticed with government (government probably more so than corporations) once a position is there, it's there. So she might be more interested in it as some kind of job share position.

Councilor Wendle stated she can sum the whole thing up in one word – it's the accountability.

MOTION

Councilor Richardson moved and Councilor Patterson seconded a motion to override the Mayor's veto and adopt the position of property coordinator. The vote was as follows: "AYES": Richardson, Patterson, Renfro, Paquin and Wendle. "NAYS": Kangas, Berger and Cummings.

Not having received the required majority vote, Mayor Holzinger declared the motion to have duly failed.

Councilor Cummings stated he would like to put that on the agenda for the next meeting for reconsideration of the vote that we just took.

Councilor Richardson asked is that a motion?

City Attorney Woodburn stated he doesn't know what the procedure for it is. If you want to take that up, why don't you ask us to put it on an agenda and that will give us at least time to look at it. He knows only someone who voted on the winning side can do that. If you'd give us time to look at the procedure on that before you make that motion tonight.

Councilor Patterson stated he believes the term on that is that Councilor Cummings would make a motion to write onto the minutes to table this until the next meeting for reconsideration and he has to be in the voting majority or the winning side.

City Attorney Woodburn stated he's not quite so confident that's the procedure. It may actually be a separate new issue which would require noticing and a separate new motion as opposed to slurring it into this same issue. That's what he'd like to look into just to make sure that we're doing it correctly.

Councilor Patterson stated in Robert's Rules of Order it has to be done before the next agenda item is brought before the Council.

Mayor Holzinger asked City Attorney Woodburn what he wanted to do. City Attorney Woodburn replied if he had known that before the break he would have spent the break reading the book.

Councilor Paquin stated just for the purpose of the audience and the rest of the Council people can you tell us the reason why you're bringing this forward?

Councilor Cummings stated first of all the uncertainty of what he was; he wasn't clear on where he was going with the thing. One of the things he was thinking about was the vote of no confidence towards the staff. He doesn't know who said that; somewhere down there. And that's a concern he has but also there are some items that he wanted to look at to see where in the budget that part of those costs would be found. He wants to look at the dollar parts of it a little bit. He understands that part of the fees get paid back through, well it would be a wage job so he just wants to look at the budget where that would be located to pay for the new position.

City Attorney Woodburn [after reviewing Robert's Rules of Order] stated in the case of a one-day convention or club the motion to reconsider has to be made on the same day of the vote. On a standing committee it can be made at any time. So you're free to make the motion tonight if you want. It has not been noticed. He still thinks it's a separate issue. He doesn't believe it's time sensitive because this is a standing committee.

Mayor Holzinger asked Councilor Cummings if he was happy with that. Councilor Cummings replied he was fine.

Mayor Holzinger stated obviously City Attorney Woodburn needs to restate that because he sees some blank looks out there.

City Attorney Woodburn stated there are two ways you can do it. You can make your motion to reconsider tonight and you can second it and you can put it on another time to actually be heard when it's been noticed. Another way you can do it because he doesn't believe a standing committee is bound in the same way as he thinks was being referred to as a one-day meeting or club. The other way you can do it is you can quite frankly any time you want, someone

who is on the prevailing side of this (that would be the three people who voted no because it required six) could make a motion to reconsider. It could be tonight or it can be any other time you want to do it.

Councilor Cummings stated what is the proper motion? Does he make a motion to reconsider? He's not sure of the proper motion.

Mayor Holzinger stated Councilor Cummings is going to sleep on it, okay.

Councilor Patterson stated are we a standing or a governing body? Mayor Holzinger replied we're a standing governing body.

Councilor Patterson stated the thing is we don't have a meeting tomorrow. And our next meeting is on a Monday. He would like to clear it up tonight, make a motion and second and get on with it.

MOTION

Councilor Cummings moved and Councilor Patterson seconded a motion to reconsider the vote on the motion to override the veto. The vote was as follows: "AYES": Patterson, Wendle, Richardson, Renfro, Cummings and Berger. "NAYS": Paquin and Kangas.

Having received a favorable vote, Mayor Holzinger declared the motion to have duly passed.

City Attorney Woodburn stated when do you want it put on the agenda? The next agenda? Mayor Holzinger replied either one; it's up to you.

- b. Ordinance vacating the property lines between tax lots 400, 603/611 of map 36-05-19-33.

Director Huber stated this is a request to vacate a property line among two parcels and three separate tax lots. It involves the Asante Three Rivers Medical Plaza. Essentially it's tax lots 400, 603 and 611 located along Ramsey Avenue. Asante Health System is the owner; applicant is R.A. Murphy Construction. This is associated with some additional building. Probably what you want to see is this map right here (reference overhead). This is the site of the Three Rivers Hospital right here. There is also a medical facility down here. This is a vacant property. This is Ramsey along here and then Union Avenue, Redwood Highway (reference overhead).

So essentially they simply want to vacate that lot line, that lot line and combine it into one property. There are minimal criteria for that. You can't create any substandard conditions visa vie

the Development Code by doing something like this. We are recommending approval that the property lines be vacated.

Mayor Holzinger asked if anyone in the audience wished to speak for or against this ordinance. Seeing none he turned it back to Council for action.

ORDINANCE NO. 5415

AN ORDINANCE VACATING THE PROPERTY LINE SEPARATING TAX LOTS 400 AND 603/611 OF MAP 36-05-19-33 LOCATED AT 500, 510 AND 520 RAMSEY AVENUE.

It was moved by Councilor Wendle and seconded by Councilor Kangas that Ordinance No. 5415 be read for the first time by title only and the vote resulted as follows: "AYES": Cummings, Wendle, Patterson, Berger, Paquin, Renfro, Richardson and Kangas. "NAYS": None

Thereupon Councilor Patterson moved and Councilor Kangas seconded a motion that said Ordinance be read a second time by title only and the vote resulted as follows: "AYES": Cummings, Wendle, Patterson, Berger, Paquin, Renfro, Richardson and Kangas. "NAYS": None.

Mayor Holzinger declared that said Ordinance had been read twice by title only according to Charter provisions and stated that roll be called. Roll call vote upon the final passage of the adoption of said Ordinance resulted as follows: "AYES": Cummings, Wendle, Patterson, Berger, Paquin, Renfro, Richardson and Kangas. "NAYS": None.

Having received a favorable vote, Mayor Holzinger declared Ordinance No. 5415 to have duly passed.

- c. Ordinance authorizing a franchise agreement with Hunter Communications, Inc. dba Core Digital Services.

Councilor Patterson abstained from this item.

City Attorney Woodburn stated Mr. Ryan with Hunter Communications is here tonight. As you probably know there are City utility easements throughout the City where a lot of various businesses put their lines. For example Qwest uses City utility easements, Vista uses City utility easements, numerous other telecommunication businesses use these. Because they belong to the City we sign franchise agreements with them. Mr. Ryan came to the City over two years ago attempting to work something out with the City so he would be able to begin to put fiber optic cable in the City utility easements. We charge them based on their gross receipts and then they run their business based off the lines that they run. He believes the contract we have here is extremely similar to the one that Mr. Ryan has signed with Medford, Central Point, Klamath County, Phoenix, Talent. We essentially charged Mr. Ryan what we charge other people, which is 7%. If you have any questions about this, feel free to ask.

He will say that one of the things that we're looking at is overall how we charge franchises. We're looking at how we collect on franchises. One of the things you'll see in this contract is that it's for a very short period of time relatively, only through December 31, 2008. The reason we did that, added language in, is to let Mr. Ryan know that we would be potentially changing how we do this to be more efficient in the next year or so. This is a relatively short contract not binding the City very long. The reason we're doing that is essentially so we don't get bound into a ten year contract and then change things.

If you have questions, please ask. If it's technical he may have to ask Mr. Ryan to answer.

Mayor Holzinger asked Mr. Ryan if he would like to speak.

Richard Ryan, 2022 Cantrell Road, Jacksonville, Oregon stated there was a question.

Councilor Renfro stated was this fiber optic for a telephone or for computers or what is it? Mr. Ryan replied this is an internet service for enterprise customers. There would be dark fiber optics provided depending on the consumer or the contacting agent that we would work with. We currently have fiber optics that have been installed for Josephine County that run in Grants Pass for the use exclusively of Josephine County. We were given approximately four years ago authority through the former City Attorney to place this. We have ownership of it. We have maintenance of it. But we have a temporary agreement to maintain this facility for the use exclusively of the County. What we're looking to do and what he's been attempting to procure for some years now is the ability for us to run our own business on the same lines that we've already established and increase the size of our facility.

Councilor Renfro asked are these underground or overhead? Mr. Ryan replied these would be right now a combination of both aerial and underground following the existing infrastructure that's in place. If we have an opportunity to place underground cable in areas that require that or are exclusive to underground, we follow that suit. In this franchise agreement it specifically states that if we are instructed to place it underground, it goes underground and that we also have the opportunity to co-exist with the existing facilities if they aerial at this time until such time they would be put underground. We would then, of course, put them at our own

expense underground as well.

Mayor Holzinger asked if Mr. Ryan had any other comments.

Mr. Ryan stated thank you for finally letting him get up here to bat. He's tried for a very long time to get to this place. We've had some interesting discussions with members of the staff. The former City Attorney and he had a lot of interesting discussions. We have procured franchise agreements with seven other communities and two counties. We provide a competitive service to the incumbent service providers and we do pay a fee for this privilege. This is something that the Federal government has allowed local government to manage and administer over but it is something that as long as we meet all the criteria he believes we have every right to petition for this privilege and pay our fair share to compete with other incumbent service providers. He appreciates the form and opportunity and he looks forward to your approval to allow us to participate in the community. He can also share with you that because of the franchise agreements that we've been given in other communities, we've established communications at a lower than normal rate for the incumbent service providers to groups like schools, emergency services, fire/police services, to the cities themselves, to county agencies. We also do a lot of volunteer work and in kind work for agencies that are not for profit or for hosting different services as consideration to be able to do work in the communities we work in.

Mayor Holzinger stated Mr. Sommer, did you get your questions answered?

Holger Sommer, 2000 Hugo Road, Merlin, Oregon gave the Council a handout. He stated no. The main question he has is 7% of what because it doesn't say anything. It says 7% of gross revenue but it doesn't say what the expected amount is. Mainly the income to the City in the form of dollars to him is of interest.

Mayor Holzinger asked City Attorney Woodburn if he had an answer to Mr. Sommer's question.

City Attorney Woodburn replied there are provisions that allow us to audit Mr. Ryan's books so that we can find out how much he's making. If he doesn't pay us up to 95% of what he is making on any year we can actually penalize him. But no, we don't know how much Mr. Ryan is going to make and we'll only know after he puts it in and starts charging, gets some customers

and then we'll know how much he's going to make.

Mayor Holzinger closed the public portion of the hearing and turned it back to Council for action.

ORDINANCE NO. 5416

AN ORDINANCE FOR THE CITY OF GRANTS PASS, OREGON AUTHORIZING A FRANCHISE AGREEMENT WITH HUNTER COMMUNICATIONS, INC., DBA CORE DIGITAL SERVICES.

It was moved by Councilor Paquin and seconded by Councilor Wendle that Ordinance No. 5416 be read for the first time by title only and the vote resulted as follows: "AYES": Cummings, Wendle, Berger, Paquin, Renfro, Richardson and Kangas. "NAYS": None. Abstain: Patterson.

Thereupon Councilor Cummings moved and Councilor Renfro seconded a motion that said Ordinance be read a second time by title only and the vote resulted as follows: "AYES": Cummings, Wendle, Berger, Paquin, Renfro, Richardson and Kangas. "NAYS": None. Abstain: Patterson.

Mayor Holzinger declared that said Ordinance had been read twice by title only according to Charter provisions and stated that roll be called. Roll call vote upon the final passage of the adoption of said Ordinance resulted as follows: "AYES": Cummings, Wendle, Berger, Paquin, Renfro, Richardson and Kangas. "NAYS": None. Abstain: Patterson.

Having received a favorable vote, Mayor Holzinger declared Ordinance No. 5416 to have duly passed.

- d. A resolution of the City Council of the City of Grants Pass, Oregon declaring the need to acquire certain property to enhance, promote and protect public access and utility placement for the extension of Florer Drive.

Director Wright stated we have a situation where Florer Drive is accessed off of Williams Highway off of Corbin. He doesn't know how many of you have been to Williams Highway. This is New Hope Road, this is Williams Highway; Corbin Drive is right in this location (reference overhead). There are a couple of hills on either side of Corbin Drive. It's a fairly unsafe intersection in his opinion but it's the only access to these folks who live down on Florer Drive. The City has desired to construct a short leg of Florer Drive north to New Hope Road. We've had the project designed and we've wanted to do this project for about two years. The lack of resources and contacts that we've made so far with the two property owners that are involved have indicated that those owners do not want to negotiate, the owner of the large property in this location; second is this little piece, the corner of the street where it would return to New Hope Road (reference overhead).

We've reached the point where we would like authorization by resolution from the Council

to condemn the properties. We would still like to negotiate this with the owners but feel we don't have any tools at this point to negotiate. The decision is up to the Council. Our recommendation as staff is to adopt the resolution.

Councilor Kangas stated he was out there and walked through there and drove down to the end. He saw a for sale sign there. Is one of those properties for sale? It looks like there is a long, narrow strip comes down there and it looks like it has a big for sale sign on it. Is that the case? Director Wright replied he's not sure. He's not been directly involved in the negotiations at all. He does drive home on Williams Highway and thinks he's seen that sign. He's going to guess it's this property (reference overhead). We already have this little piece of right-of-way at the end of this property (reference overhead). Again, he can't confirm exactly which piece of property that is but we do have this one piece down here (reference overhead).

Mayor Holzinger stated are there any more questions for Director Wright? There were none.

Mayor Holzinger stated we have questions from you, Mr. Sommer?

Holger Sommer, 2000 Hugo Road, Merlin, Oregon stated some of these questions were already answered but the complaint he has is actually the announcement of how this was put in front of the people and in front of the agenda because it doesn't say anything about condemnation. This is a very big hammer you're swinging here and people who hear the word condemnation are usually getting very attentive to it. Avoiding it in an announcement of an agenda is not a good idea. So the question is, is this the first step of negotiations. He heard from Director Wright that the owners have declined to negotiate so now you're putting up the pressure and start flexing the muscles and want to use condemnation to get to them or what's the deal here? From what's in the record, in the packet, he could not decipher if Mrs. Debra Scoggs or Mr. Gary Shontz have been approached properly and have tried to be negotiated with or not and have been explained actually what it means if they don't negotiate because condemnation comes around. Based on this and pointing out the recent affair with the trail and you are stating publicly that condemnation for that particular part was not an option, he'd rather like to see that you come to terms without using and flexing your muscles.

Mayor Holzinger asked Director Wright if he had an answer for Mr. Sommer.

Director Wright stated for part of the question, this is certainly not the first step in the negotiation process. The owners were contacted back in 2005 and several times since though again we haven't had a person working fulltime on this. There was probably some gap in the contacts. A recent contact was made with the largest property owner and that owner at this time still does not want to negotiate. He just feels we have no other alternatives. Personally he feels this is a safety project. We really need this. We recognized it several years ago. We've gone through the design work. He believes it's for the best public benefit to finish this street at least to New Hope Road. There are future plans to extend it further south through some property that will be developed in the future but he believes this leg of it is terribly important.

Councilor Berger stated do you have any idea why they don't want to negotiate? Have you actually had conversations with them? Do they just not like us? Or do they plan on building a house? It's a pretty small piece of property. Also, do we have an appraisal of fair market value on the property?

Assistant City Manager Samson stated she just wanted to clarify something because she's been the one attempting to make the contact. Her focus has been on the larger piece of property. The woman has an attorney. She has spoken with the attorney, met with him. We went through some costs. She's telephoned him twice and keeps asking him to make contact. He had made contact. This is sort of the second or third time through this with them. The previous times we could not reach any kind of an agreement so the attorney is going back to her to attempt that again. She has not been able to reach Mr. Shontz on the west side, that corner there. Frankly this may be acceptable with Mr. Shontz to negotiate for it. It's the major property owner that we've had trouble with. She's still hopeful that we can negotiate this but at some point we need to move forward and move on with this project and get this thing done. We've been talking to property owners down there for a long time about doing this and it's time to do this.

Councilor Renfro asked are there any types of structures on this property at the present time? Director Wright replied no. You can see the underlying aerial. There are no structures in the area of the right-of-way itself. There are structures both to the east and to the west of the

street.

Councilor Kangas stated there are a lot of weeds there. The only thing he noticed out there, when he tried to leave and Director Wright mentioned this, when he tried to leave that property onto Williams Highway and make a left turn, it's almost impossible because you come up there, you have to almost pull out into the lane of the cars going to of town on that highway. You almost have to pull in front of them to see down that hill if anybody is coming and the cars are flying up that hill. It's probably one of the most dangerous intersections he ever saw. He doesn't know how they allowed anybody to build anything in there in the first place. It must be an old County development or something. He doesn't think the City would have ever allowed it. But somebody had to have been crazy. But also he's a strong proponent of property rights so he's really torn on this one but Director Wright has hit the nail on the head. It's a real safety issue. He has to agree with what Director Wright said on that.

Mayor Holzinger asked if there were any more questions for Director Wright. Seeing none he turned it to the public.

Dale All, 2616 Williams Highway, Grants Pass, Oregon stated he happens to be the other piece of property. He has already made agreements with the City. There are some things that have been promised to him that he went ahead and got hooked. It's cost him a lot of money and he can't sell the place until the road is in. The reason that Ms. Scoggs [won't negotiate], she wanted to put a hardship trailer in that. He told Ms. Scoggs it was too small plus there were two easements through there anyway. But she's mad at the City; that's the only thing. He believes your chance of doing it is only the one way.

Mayor Holzinger asked if anyone else wished to speak. Seeing none he turned it back to Council for action.

RESOLUTION NO. 5279

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS, OREGON DECLARING THE NEED TO ACQUIRE CERTAIN PROPERTY TO ENHANCE, PROMOTE AND PROTECT PUBLIC ACCESS AND UTILITY PLACEMENT FOR THE EXTENSIN OF FLORER DRIVE.

Councilor Wendle moved and Councilor Renfro seconded a motion to adopt Resolution No. 5279. The vote was as follows: "AYES": Cummings, Wendle, Patterson, Berger, Paquin, Renfro, Richardson and Kangas. "NAYS": None

Having received a favorable vote, Mayor Holzinger declared the Resolution No. 5279 to be duly adopted.

- e. Resolution authorizing the City Manager to contract for telecast of Council meeting.

Councilor Richardson stated she does have to disclose that she worked with Director Seybold in reviewing these bids. She believes she can still be fair but thinks it's important that she disclose that.

Director Seybold stated some of the Council has indicated interest in having televised Council meetings and we were directed as staff to put this issue out to bid. We have done that and solicited bids from the community. He would direct you to page 215 which is the beginning of the packet on this material. The materials that we sent out are on page 219 which gives an overview of what we were requesting of people to provide to us to evaluate their capabilities to provide telecasting of our meetings. We did receive two proposals and he reviewed them along with a citizen representative, Mrs. Arden McConnell and also with Council member Jocelyn Richardson. The three of us took a look at the two proposals, evaluated them and it's his recommendation with concurrence from the other two individuals he noted that the most appropriate group to use would be Rogue Valley Community TV. Ms. Nena Scuderi-Fox is here. She is the director for RVTV if you have any questions about how their proposal would work. They are the group who does provide telecast of other city meetings and county meetings here in southern Oregon. We believe that they would be the most appropriate ones to use.

Interestingly we did check with other communities and it is very common now for communities to telecast. We looked at comparable cities. He believes there were nine that we looked at, eight of which do telecast their meetings live. That was the standard for other communities. One was putting live streaming on the internet which is something that the City of Grants Pass may choose to consider in the future but right now that is not a part of our proposal.

The last thing he wanted to bring to your attention was the cost implications. RVTV did a very nice job for us in putting together what the costs would be. If you look at pages 229 and 230 of your packet it does have a list of the equipment that they would recommend acquiring and they would act as our agent to acquire that equipment. If you choose them to do the telecasting they

would be mounting three cameras so it would be remote access cameras. It wouldn't be somebody standing at camera directing it at Council. They would have a console that would be permanently put together and installed here in the back of the building. He has spoken with them about how quickly they'd be able to provide telecasting services. He thought if you wanted to ask some specific technical questions or learn more about their capability, Ms. Scuderi-Fox is here and she would be able to address your questions.

With that he would just summarize. Page 216 has the costs. We estimate startup costs at about \$72,000. That would acquire all the equipment, do the installation, provide some new circuits in here for power. It would provide the ability to put the signal onto the fiber and then direct it over for broadcast. They would be able to provide live broadcasting. The cost for providing the broadcasting, in other words having someone here, he did his best to estimate out how long meetings last and how many meetings we have per year. He came up with about \$16,500 per year. Those are ongoing costs. The \$72,000 would be a one-time cost to install the equipment. He would have to assume over the years that we would be acquiring other equipment but that would be the initial start-up costs.

With that, as he said, Ms. Scuderi-Fox is here and she could answer any technical questions you might have and he'd be glad to answer any question that you might have for him as staff.

Councilor Berger stated are we planning on televising Planning Commission meetings or any other City events or is it just Council meetings? Director Seybold replied in the contract he put together this would strictly be for the telecast of our City Council meetings. Naturally once the costs are incurred for the installation of the equipment then it's a marginal cost. It would be an additional cost for someone to put the broadcast together. This proposal and the costs he's provided to you would only be for these City Council meetings.

Councilor Wendle stated on the agreement itself, there were a couple of places where we had blanks on page 261 and 262. Have those been filled in so that we have a completed agreement? Director Seybold replied the contract that you're referring to, there also was a contract in here for Sights and Sounds. They were the other potential contractor.

Councilor Wendle stated so this is not the contract. Director Seybold replied that is correct. The same part that you're asking about would be on page 243 which is the actual draft contract with RVTv.

Mayor Holzinger stated now you have someone who wants to speak to us? Director Seybold replied he thought it might be useful if you'd like to hear from the woman from RVTv. She would be able to provide some additional technical information for you.

Nena Scuderi-Fox, 400 Ewe Creek Road, Grants Pass, Oregon took the podium to answer questions.

Councilor Renfro stated don't we have one meeting a month where we coincide with Josephine County? How are you going to mitigate that? Ms. Scuderi-Fox replied yes and we would have to work it out. We have other channels, things like that and we would figure out a way of doing it.

Councilor Patterson stated is it going to be a tape delayed? Ms. Scuderi-Fox indicated no.

Councilor Patterson stated there is no delay at all so if Councilor Wendle slips up and comes in with some of the language she usually uses. Ms. Scuderi-Fox replied the whole County will hear it, yes. Councilor Patterson stated it's all going to go out. Ms. Scuderi-Fox replied yes.

Mayor Holzinger stated we are looking forward to seeing rebroadcasts of our boring meetings on television.

Director Seybold stated there might be two other things she could comment on and that would be the length of time to put the materials together if you choose to contract with them and one of the Council members had a questions about closed captioning and he thought she could address that as well.

Ms. Scuderi-Fox stated we could guarantee it before the first of the year. It takes usually anywhere from four to six weeks once we are hired to get the equipment ordered. It arrives at RVTv. We would bring it up here. We have an engineer who works fulltime for us. We also have the gentleman who currently does the Josephine County meetings for us who is also an engineer. The two of them would install the equipment. They feel it would take approximately 100 hours of

time to get it all installed, hooked up and functioning properly. Since you have meetings that are ongoing, they would have to work in between whatever is going on in this facility. We could definitely have it before the first of the year and hopefully sooner than that.

As far as closed captioning, we have done research for other government entities who have requested this. The cost for the equipment for doing it is fairly expensive. She does not have the figure with her this evening. To get an operator who can do it accurately (good luck) generally costs like \$100 to \$150 an hour to have them sitting here and typing everything that is said. Those would be additional costs.

If anyone is interested, we just recently, two months ago, did a survey for another community that we cable-cast their city council meetings and the response from the citizens in the city, 85% watch the council meetings regularly. And an adjoining city, 54% watch their meetings also. So people are very interested in what their councils are doing.

Mayor Holzinger stated he has two people who want to speak.

Arden McConnell 961 SE 8th Street, Grants Pass, Oregon stated she was delighted to be able to sit in on the workings of actually putting this event [together]. She calls it an event because she's thrilled that we're going to be able to watch our Councilors on TV. Over 65% of the people in Grants Pass agree, according to the latest survey that Assistant City Manager Samson put together and the City sent out. So there is a lot of support out there in the community for this. She just wants to thank the staff and the Council for the work they've done toward making this happen. Maybe we can have some Academy Award winning sessions now and then and give out a few little Oscars to our Council. You'll all look really nice on TV and so will the staff. So thank you very much for getting it as far as it is.

Holger Sommer, 2000 Hugo Road, Merlin, Oregon stated he also is very excited about this except he's going to see probably some other aspects to this. One of the reasons he's looking forward to it is that this is a contribution of the City to actually be more open and give access to more citizens of the things that are happening in this chamber. He wonders if these two engineers are licensed engineers. Anyway he's not going to tell the Oregon State Board of Examiners for Engineering as long as we get a good installation. 85% of the people watching

what happens in this chamber will definitely change the political culture of this City.

Ed Bowers, 1104 Luzon Lane, Grants Pass, Oregon stated it's really going to be a big asset for the City. It will help the City Council also. He knows that sometimes they feel they can't get their message out and this should be a big asset.

Mayor Holzinger asked if anyone else would like to speak to this. Seeing none he turned it back to Council for action.

RESOLUTION NO. 5280

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS TO AUTHORIZE THE CITY MANAGER TO CONTRACT FOR TELECAST OF CITY COUNCIL MEETINGS.

Councilor Paquin moved and Councilor Renfro seconded a motion to adopt Resolution No. 5280. The vote was as follows: "AYES": Cummings, Wendle, Patterson, Berger, Paquin, Renfro, Richardson and Kangas. "NAYS": None.

Having received a favorable vote, Mayor Holzinger declared the Resolution No. 5280 to be duly adopted.

Mayor Holzinger stated this has really been a momentous occasion for us. It's really been something we've been working at for several years.

- f. Motion to Approve a Liquor License for 2007 Train Depot LLC.

MOTION

Councilor Renfro moved and Councilor Kangas seconded a motion to approve a liquor license for 2007 Train Depot, LLC. The motion passed unanimously.

3. CITIZEN COMMENT

John Chmelir, 2262 Elderberry, Grants Pass, Oregon stated he hesitates to come before you because he doesn't want to take much of your time but it's really difficult during the time that we get to talk about certain things to make peripheral points if you will. At the last meeting when you talked about advanced financing districts a comment was made about (and he had a picture on the wall with the advance financing district going through the mobile home park) gotta be development from the core out. That really rolls off the tongue but it doesn't always apply. We're putting a sewer line in the middle of a bunch of trailer houses which clearly is urban level development. It just wasn't urban level services. The rules in place at the time allowed it to be done in a different manner. He got to thinking about many of the things he's done. He's built about 3,000 feet of waterline up Grandview and up Haviland and it was all through 10,000 square

foot lots. They just didn't have water; they were on wells. It was urban level development without urban level services. When we did the Cloverlawn advance financing district, we were completing a road job that had houses on the other side that were 10,000 square foot lots. It just wasn't urban level services. So it was urban level development without urban level services. How'd that happen? Some government decided at some point in the past that that was okay. That was what their standards were. Since developers get lumped together all the time as "developers", government is government. Your government. The houses along Haviland were there in 1984 when he first got Meadow Wood approved by the Planning Commission in the County. 1984, those same houses were there. They didn't have water back then either. And it's solid level urban development all the way from the bridge that's going across the river all the way to the end of the urban growth boundary. Urban level development not urban level services. Those problems were there in 1984; they were probably built in the 1970's. When the Council did the Intergovernmental Agreement those problems existed. When they annexed it those problems existed. Government is government. Those problems were government problems; they were caused by the government and government certainly has a hand in solving them. But his main point is while the term "development from the core out" really rolls off the tongue it doesn't apply everywhere and it certainly doesn't apply in several of the things he's done. He would just ask that before we automatically jump to the conclusion when we're talking about doing an advance financing district that the developer has somehow leap-frogged like they do in Colorado, three miles out into the prairie and build a subdivision or in Utah or in California, it doesn't always apply here. He just would like that to be considered in every situation.

Holger Sommer, 2000 Hugo Road, Merlin, Oregon stated this morning Mr. Ed Bowers presented Freedom of Information Act request to the administration with regards to what is now called the River Road Reserve. Here are the highlights. We haven't received answers for some of these happenings yet and he knows that Judge Riggs is working on it but even he didn't know some of the details which were later passed onto him. The highlights are that there was no appraisal. The asking price was \$2,767,280. The actual purchase price was \$3.5M. That can be found on a tax form which the Naumes family received \$732,000 tax write off because it was a

donation. In addition to this was the misrepresentation on the press release from the administration which declared the value of the property to be \$2.75M. There was no mentioning of any contamination of the property and the actual, the agreement, which is the biggest problem is that the agreement prevented public entity to give the information about the contamination which is right here and he reads it to you: Environmental and other land conditions of the property strictly confidential and shall disclose it only upon court orders. That by itself is for government not allowed because the government is supposed to be transparent and open. The biggest problem we have with the City compared to the County, and you can take a big example from the County for this, is transparency. If you can't handle this, hopefully the transparency comes with the TV in November. In your files there is so much stuff which is interesting and he urges the Council to take a very close look and control and take closer look at your administration because the Council is basically the part the administration is reporting to.

Ed Bowers, 1104 Luzon, Grants Pass, Oregon stated he has filed a Freedom of Information Act. He filed today. He requests that we look at it very seriously and is planning on filing two more. He has included the paper, the local paper and Judge Riggs. He believes it's been too long on some of the issues that need to be clarified. He really thanks David Frasher for bringing Judge Riggs in. He believes we can help the whole neighborhood, the whole City and the City Council needs to get this cleaned up.

City Manager Frasher stated Judge Riggs is about \$300 an hour and he thinks he's retired so he's available.

Mayor Holzinger stated well, he's \$500 an hour but he donates his time.

4. MATTERS FROM MAYOR. COUNCIL AND STAFF

- a. Terry Goodell wishes to serve again on the Tourism Advisory Committee. The appointment is for a three-year term from 9/19/07 - 9/19/10.

Mayor Holzinger asked if Council had any objection to his reappointing Terry Goodell to the Tourism Advisory Committee. They did not.

COUNCILOR PATTERSON

Councilor Patterson stated thank you for a fun filled evening and a well run meeting, Mr. Mayor.

COUNCILOR WENDLE

Councilor Wendle stated it's been brought to her attention from some other cities that in order to encourage recycling there has been a partnership between the cities and those people who collect the trash. The way that they've done it is that they've agreed that they would do this in cooperation with the city and the trash pickup. They will essentially audit possibly three pickups in a month and if people are appropriately dividing their materials between recycle and the trash bins then it's agreed that those three people could possibly get a month's service free. She just thought it's a positive way to do it. We are big on partnerships and so we might want to think about that.

COUNCILOR KANGAS

Councilor Kangas asked does City Attorney Woodburn still run Code Enforcement? Who does it now? City Attorney Woodburn replied yes.

Councilor Kangas stated we had a problem at the end of Beacon where they were doing the freeway. Several people have contacted him at work. One lady lives right underneath it. He contacted George Slocum in your office. He wants to make sure you tell him how he appreciates how Mr. Slocum contacted him and took charge of the situation and then let him know again at the end how things went. All the issues were solved in respect to the people who called him and talked to him. If you could do that he'd appreciate it.

City Attorney Woodburn stated he will and he'll also point out actually David Hamlin and the Engineering Department worked with Mr. Slocum and did a lot of the contacting to take care of that situation. He'll tell them both.

COUNCILOR RICHARDSON

Councilor Richardson stated she received a phone call from Carrie at the Chamber of Commerce and believes that she may have called several others. She expressed a concern. She understands that prior to her being on the Council we had begun to enforce the issue of people with merchandise in front of their respective businesses. Carrie was particularly concerned and was calling on behalf of Don's Bike Shop. She wanted to make it known and understood that not only does he put his merchandise out there he also provides places for people who are biking to

actually put their bikes in front of his business. He had been told by the police that effective Monday he was going to be fined \$200 or \$300 for having that. Carrie was asking if we couldn't reconsider it, that we shouldn't penalize the local merchants for trying to improve their businesses. She didn't know enough to comment to her specifically but did think she ought to raise the issue tonight.

City Manager Frasher stated we can comment on that and he'll ask Chief Henner to also give you a little background about what's been going on in the PR portion of this. Under current City ordinance you're not supposed to have those things on the sidewalk so we're obligated to enforce that unless Council changes it. If you change it then that's a whole other can of worms if you will.

Chief Henner stated we've actually over the past about three or four weeks begun enforcing a number of things in the downtown. One of those is the merchandise on the sidewalk, the other being the A-frame signs. The third is the new sidewalk café ordinance that was passed. What we did because we knew we would be in some cases enforcing some rules that in the past had not been enforced, we wanted to make sure we approached it in a positive way. We actually had a sergeant who worked with our community services officers in the downtown go door to door from one business to the next providing them with the ordinance information and gave them sort of a grace period where no enforcement would occur. They had kind of a warning if you will. He can tell you that it has been controversial. We've had a number of issues that have arisen where folks are saying gee why are you enforcing it now, you've never enforced it before. We try to point out that we're kind of the enforcement branch of the legislation that you all are responsible in creating over the years and if they had issues with it they really needed to, much like we would tell someone if they didn't like the 20 MPH school zone, we enforce that, and it's up the legislature to change that if that's what they want to do. We've tried to be as hands on, proactive, helpful as we possibly can but like anything else we get to a point where we have to start enforcement.

STAFF

City Manager Frasher stated somewhat ironically tonight we heard from citizens

complaining about property transactions that some of us weren't around when they were contemplated or concluded. Some of those requests that citizens have filed are going to take additional staff time. There have been a few other changes that have happened recently as far as the efficiency of our local government. He would be remiss if he didn't remind the Council that there is virtually no way that we will finish our work plan this year. He also believes that the number of initiatives that the City Attorney has been trying to work on on behalf of the Council will not be coming forward as planned without considerable delay as a result of some of these requests.

Councilor Berger stated are you referring to the veto of the property manager? Is that the reason you're saying the work plan won't be completed? City Manager Frasher replied there is a whole bunch of reasons the work plan won't get completed.

Councilor Berger stated she knows there are a whole bunch of reasons.

City Manager Frasher stated one of the principal ones is we've had five meetings for example on advanced financing districts and local improvement districts. We still don't have a policy on that conclusively. It's just the overall efficiency of how we're operating right now. The property coordinator is a perfect example. We have a veto then we get it back on the agenda. Every time we put those things back on the agenda there is staff work involved and he feels like we make these decisions sometimes and we don't realize that there is staff time involved with every single one of those. So when you look at a work plan and you know you're at capacity when you create it, it's sort of like the death of a thousand little cuts instead of one big one. He's just being honest. The work plan will not get finished this year.

Also some of the things the City Attorney is working on, we don't anticipate a lot of open records requests every year. We're getting a lot of them and a lot of them have to do with real estate. The City Attorney will be working on those because legally they have to take priority over some of the other things that are options. Some of those things that are optional are ideas that Council members bring to us. They're good ideas and we want to do them; there just aren't enough people. He's trying to be honest about that.

If you'd like more detail he'd be happy to meet with any of you after the meeting.

Mayor Holzinger stated he was involved with another organization and the gentleman who was in charge of the group said he always budgeted 20% of his time for things coming from the board of directors and worked with that. He didn't schedule 100% of his time on the work plan. That's what he expects to have happen, that you allow time for these things. Also, he never expects the work plan to be 100%. There is always going to be stuff that's going to be left over, that's going to be set aside for one reason or another. Saying that you're going to have to let some things go because of the vote tonight is kind of a threat to the Council.

City Manager Frasher stated it's not intended as a threat, Your Honor. He's just trying to be candid with you. He's just trying to be open. It is what it is. Can he finish his information sharing? Mayor Holzinger replied go ahead.

City Manager Frasher stated also he wanted to let the Council know today he met with the new owner of the 'G' Street Palace. You'll remember, or at least he remembers at least six different times during the last year being criticized as the City Manager that we weren't handling the Larry Lacey situation properly. He hasn't heard from those folks lately but it looks like we made a pretty good call on that by following the rule of law and dealing with it professionally. He does think this gentleman is going to be much different to work with and he's kind of excited about the possibilities. The gentleman seems to have a lot of vision and wants to work with the City as a partner. Hopefully when he develops some concepts for the building those will be getting back to you. He'll keep you updated when he hears more.

Also we have an open records request in to ODOT. So far they have not provided the original syncro files. They did give us a full response to our original open records request but the response did not contain the original syncro files. What that really means is the original syncro files are the ones that they used to do their analysis when they compared alternatives A and C to each other and to no-build and to your preferred alternative. We want our traffic engineer to be able to look at those and make an apples to apples comparison so that we will be able to fully evaluate their proposals as well as the one the Council has. We are yet to get those originals. We did get some that are updated and those are the ones that they're currently using and moving forward into the EA but they're not the ones that were used originally. They do have those

originals; they had to have them when they made the original analysis so we know they have them. They just haven't given them to us so we're going to keep asking.

As far as budgeting 20% time, that's his recommendation too, that we always budget 20% basically dead time. When we put the work plan in front of the Council this year we over-estimated our capacity and assumed some things that we shouldn't have. This is his 23rd month in Grants Pass, his second shot at a work plan and a budget. He can guarantee you next year we will not budget ourselves to capacity unless you make us.

Councilor Patterson stated he'd just like to go on record that he takes exception to what you said Mr. Mayor. He supports...

Mayor Holzinger stated that's fine Councilor Patterson, he takes your comments. Anything else?

Councilor Patterson stated excuse me, Mr. Mayor, he has the floor. Thank you. Like he said before, he takes exception to that. City Manager Frasher's candid comments and openness to the Council is appreciated. He took it not as a threat at all, just honest observation.

5. CONSENT CALENDAR

- a. Approve minutes of the regular meeting of September 5, 2007.

MOTION

It was moved by Councilor Patterson and seconded by Councilor Wendle that the minutes be accepted as written. The motion passed unanimously.

- b. Approve minutes of the regular Council workshop of August 13, 2007.

MOTION

It was moved by Councilor Patterson and seconded by Councilor Wendle that the minutes be accepted as written. The motion passed unanimously.

- c. Approve minutes of the regular Council workshop of August 27, 2007.

MOTION

It was moved by Councilor Patterson and seconded by Councilor Wendle that the minutes be accepted as written. The motion passed unanimously.

- d. Approve minutes of the regular Council workshop of September 4, 2007.

MOTION

It was moved by Councilor Patterson and seconded by Councilor Wendle that the

minutes be accepted as written. The motion passed unanimously.

- e. Approve minutes of the Joint Workshop of September 4, 2007.

MOTION

It was moved by Councilor Patterson and seconded by Councilor Wendle that the minutes be accepted as written. The motion passed unanimously.

- g. Approve Findings of Fact for Horizon Gardens Major Site Plan Review.

MOTION

It was moved by Councilor Patterson and seconded by Councilor Wendle that the Findings of Fact be accepted as written. The motion passed unanimously.

- h. Accept minutes of the Tourism Meeting minutes for August 2, 2007.

MOTION

It was moved by Councilor Patterson and seconded by Councilor Wendle that the minutes be accepted as written. The motion passed unanimously.

- i. Accept minutes of the Urban Tree Advisory Committee for August 13, 2007.

MOTION

It was moved by Councilor Patterson and seconded by Councilor Wendle that the minutes be accepted as written. The motion passed unanimously.

6. ADJOURN

There being no further business to come before the Council, Mayor Holzinger adjourned the meeting at 9:53 p.m.

The ordinances, resolutions and motions contained herein and the accompanying votes have been verified by:

Administrative Services Director

These minutes were prepared by contracted minute taker Connie Murray.

The Council of the City of Grants Pass met in regular workshop session with Mayor Holzinger presiding. The following Councilors were present: Cummings, Paquin, Wendle, Patterson, Renfro, Berger, Kangas and Richardson. Also present and representing the City were City Manager Frasher, Assistant City Manager Samson, City Attorney Woodburn, Finance Director Lange, Community Development Director Huber, Public Safety Director Henner, Senior Planner Angeli-Paladino, Administrative Coordinator Buckley, Administrative Coordinator Van Deroef, Public Works Director Wright, City Engineer Schaff, Supervisor Scrivner and Parks and Community Services Director Seybold. Also present were citizens Ed Bowers, Jan Battersby, Holger Sommer, Germaine Cartmell, Jim Moore of the Daily Courier, Scott Jorgenson of KLDK, Bill Peterson, John Chmelir, Stacey Kellenbeck, Kurt Chapman, Michael Masters, Karen Zimmer, Jay Eastwood, Director Huber and Connie Williams, Terry Buntin, Arden McConnell, Tonia Monahan and Tamara Thompson.

1. INFORMATION SHARING

Councilor Wendle stated we've been walking the trails and had the opportunity last week to do the Fruitdale Creek Trail. If you haven't ever done it, you should. That goes out into a part of our valley that you don't normally see. She highly recommends that. It's just a real quick way to get out of the City and be able to clear your mind a bit. She also did Walk the Rogue, had an excellent tossed salad from Assistant City Manager Samson's daughter when we were there. It was just fun to see so many people out. The thing that really impressed her and the reason she's mentioning it is she saw so much of our staff who were there on their own time. She really appreciated that, to be able to walk around and see people who she knew and they were enjoying themselves. Then we did the Wine Stroll after that. She was so impressed with the demeanor of everyone walking. It was the nicest one we've ever had. The sidewalks were very clean. There were no bicyclists; there were no skateboarders. It was just the kind of environment this weekend that when people come to visit (and there were quite a few people visiting whose friends had invited them to come) showcased the kind of Grants Pass we want people to know.

Councilor Richardson stated she just came back from three days at the Oregon Planning Institute where she went through just some general information and then also their planning commissioner training. She would highly recommend that planning commissioner training. We have now only three Planning Commissioners who have been there more than six months. Loree Arthur, who was also there with her, went through the training. The guy is (she believes) from Lane County by the name of Gary Darnielle. She knows Chair Arthur brought back the information on what it would cost to have Mr. Darnielle come and talk to us. It consisted of things like ethics training, what ethics are involved in being a planning commissioner, how to avoid bias. It talked a little bit about some of the legal rulings like Dolan and some of the others. She knows City Attorney Woodburn will be very glad if the Planning Commissioners understood those things. She also had an opportunity as a listener to hear a lady from ODOT talk about her personal bent which was she hated freeways and felt that people were misusing freeways and that if you had to go more than five miles maybe; you could tell she was from Portland where five miles is a long distance. What made it interesting is the lady was big on alternative routes. Finally after listening to this for awhile she spoke up and said well, that's fine but if you take an alternate route in southern Oregon you can get killed, referring to the Kim family. It was interesting. We got into a little bit of a discussion about what ODOT does. The lady from ODOT made it very clear that she considered the higher good was to move freight from Grants Pass to California. The lady just thought that we were being rude in thinking that Highway 199 should be something that benefited the community. They had identified certain areas as traffic routes and freight routes; that was one of them and we were just going to have to bend to their will. You kind of came away from it with the idea that the State really knows what's best for us and the people and their elected representatives are just inconvenient in the pursuit of that higher truth. But anyway it was a very interesting time and she appreciated the opportunity to go.

Councilor Patterson stated he's going to be out of town on Wednesday and won't be able to attend the City Council meeting on Wednesday. He would appreciate the opportunity to attend it by phone. He doesn't know that we have done anything yet with the issue where we can't be on the phone unless we're sick. He wonders if we can get that addressed.

Councilor Paquin stated that's for voting by phone too.

Councilor Patterson stated yes, same way. But because of business he won't be able to attend.

City Manager Frasher stated his recollection is Council didn't take action. Does anyone recall differently?

Councilor Paquin stated we were going to bring it up.

Councilor Cummings stated he learned something interesting on Friday. He had a job where somebody clipped the little clasp that locks your water meter and he learned several different things. First of all, he got a fine of \$100. The second thing is he got a first month's charge of \$33.03. He learned some more stuff, that you can't borrow water next door when you're building a construction project. What he's saying is sometimes our rules are meant for the tenants who steal water and don't pay their bills. In all this he would say that he had no consumption, not one drop of water was taken because he was using water next door, which is illegal. It's puzzling to him. We make rules for crooks. This rule is meant for tenants who won't pay their bill. They'll clip it, turn the water back on, bilk their landlord out of money or hook a hose next door and connect it to their water faucet and that's why the rule is there. It seems like there could be a better way. Two things – he's treated the same as everybody else and he's not asking to get out of this fine. PR-wise it's better PR to have rules, how do we separate those rules so if you wanted to wash your car and you borrowed the neighbor's water or if you were using their water you can't do that but it's meant so tenants don't rip people off or owners of property don't rip people off. He was pretty irritated by this; he was quite irritated. It clearly states there is absolutely zero consumption. He is treated just like everybody else.

Councilor Berger stated she went to the Tree Committee meeting on Monday. There was some confusion about their participation in Walk on the Rogue. One member had gone here. Poor communication so they weren't there and expressed their sadness that they weren't there and apologies for that. We'll do better next year.

The second thing is they're putting together a memo regarding the trees on Washington Boulevard and their concerns about the viability of those trees into the construction with some hopefully positive suggestions on how problems can be addressed better in the future.

She has to talk about stealing water. She wasn't going to bring this one up but there is a

wetland behind her house and someone turned on the water to that wetland. Dan Shepherd talked to her and said he considered that stealing water. She thinks it was done to water the wetland and make it viable but that person doesn't have water rights. Those kinds of things do happen.

The third one was we also talked about in the past she was concerned about criteria for Urban Area Planning Commissioners who didn't live in the urban area. We were pretty much in agreement about we ought to have residency. She'd like to request that we put that item on the agenda and talk about it or vote on it or something. Anyone agree with her that that should be on the agenda?

City Attorney Woodburn stated what it says now is you have to have residency in the urban growth boundary or you have to have residency in Josephine County and own property in the urban growth boundary. He just wanted you to know that so everyone is on the same page with whatever decision you make.

Councilor Berger stated she thinks it is the only committee that is that way. She doesn't know why it's an exception.

Councilor Richardson asked exception in what regard. Councilor Berger replied because it's the only committee that has that.

Councilor Renfro stated he thinks there is a State rule that says if you own property you're eligible to be on the board or on any commissions. Is that right? City Attorney Woodburn replied he doesn't know the requirement. He imagines you'd actually have to be a resident of the City to be on those committees.

Councilor Renfro stated there is statute out that was just passed this year that says if you're a resident you can be a member of a board. City Attorney Woodburn stated Assistant City Manager Samson knows better but apparently there is not a residency requirement.

Assistant City Manager Samson stated for most of the committees that don't have an in-City residency, we'll have a business owner on the Bikeways Committee; we'll have a business owner who owns a bike shop in town. She knows the tree committee, didn't we have somebody who actually lived in Ashland at one time but worked over here? So it varies. We can go back and do a little survey but generally is not mandated that they live in the City of Grants Pass.

Councilor Renfro stated no it isn't as long as they own property.

Councilor Berger stated if we can go back and see if we can talk about it.

City Manager Frasher asked does anyone have an objection to having that on the agenda. Since there aren't any objections, can we work that into the schedule?

City Attorney Woodburn stated do you want that on a workshop or do you want him to draft something and bring it back? City Manager Frasher stated he thinks it would be better to have a workshop first.

Mayor Holzinger stated he and Assistant City Manager Samson went to the All Sports Park shindig on Friday. He had an opportunity to ride around the whole park on a three wheel bicycle. He really enjoyed being able to see it all because he could not have walked it all. He wants to thank Assistant City Manager Samson. He thinks the community is real pleased. The amount of kids that he saw having fun really made it worthwhile.

2. AGENDA REVIEW

Mayor Holzinger stated we have an item that traditionally has been the first item on the agenda. He'd like to bring it forward to the first item and that's his veto. He's going to bring it forward so it's the first item on the agenda to get it out of the way.

Councilor Berger stated she had some concerns about item 4, the Tourism Advisory Committee reappointment. She knows that early on when the three new Councilors got on it came up for discussion about automatic rollovers of appointments. She thinks the resolution was passed that said we would just go ahead and do that for everything except Budget Committee and Urban Area Planning Commission. At the time she expressed some concerns that the problem she thought with that is that it just sort of made it a closed loop and nobody from the outside could come in. This particular one, she has had a couple of people call her and say that they themselves or they know of someone who would be interested in being on that committee. As she thinks we said back in February (she doesn't know) we kind of agreed that well if that was the case then we would make an exception and put it open to the public. So she's recommending that we do that with that thought. Maybe advertise for it and take action.

Councilor Richardson stated she really supports that because the more people you get involved, the more training they go through the more people are out there advocating for what

they understand is really happening. If you have people who have been on it for five, ten, fifteen years then it becomes closed and people start to believe that there is collusion and that there are other things going on. So the more opportunity you have to open it up to the possibility of new people, we should do that.

Mayor Holzinger asked does anybody object. [Council had no objections]

City Manager Frasher stated do you want us to bring back the resolution so you can tweak that to reflect those changes? So we'll pull that off the agenda then?

Councilor Wendle stated it was her understanding that is the way the resolution is now, that we made the change that we were going to have applications. The people who are currently seated may also apply; that's won't keep them from being a viable candidate.

Administrative Coordinator Van Deroef stated it was her understanding that we had a resolution that said just for the Budget Committee, the Historical Building and Sites Commission and the Urban Area Planning Commission that we would go out and we would advertise. She can go look and check the minutes. But it's her understanding that the ones who were reapplying could go ahead reapply for that position.

Councilor Richardson stated there is only one concern and that's the problem we had on the Planning Commission. You can post in advance of the vacancy. What we're seeing happen is the vacancy was coming up and then it would sit for two months while interviews were done and some other things happened. We had a number of situations, one where it was a regularly occurring vacancy but also when the Planning Commissioner themselves just said "this is my last day". There ought to be something in there too that says when you announce that you no longer wish to be a part of the commission that you give the City sixty days; you give them something so that there are no vacancies. We got down to a point where there were only five of us. We barely had a quorum and if anybody was sick, we could not have done business. There needs to be a way to bridge the gap if you will.

City Manager Frasher stated there is another option. You could consider interviewing and appointing alternates at the same time you do the regular openings. Then the second place person or somebody who has maybe less time available then but is still willing to serve as an alternate, you'd have somebody to step in if you have one of those early departures.

We don't have the ordinance in front of us now. We're talking about it and we don't have it here because we weren't sure we would be talking about this today. On 4.a., he's not sure of what he's hearing, whether you want to go ahead because of the current ordinance and leave this the way it is and then address changes to the ordinance. When do we do that? Do we do it before or after?

Councilor Renfro asked how long has she been on? City Manager Frasher replied he doesn't know.

Councilor Berger stated she's not sure of the wording of the resolution but she does recall that we discussed leaving the option open to advertise if there were people interested. Perhaps that is the way the resolution was worded. In that case, we wouldn't be going against the current resolution by advertising this particular position. Barring that, we certainly would change the resolution because there is no wiggle room in it. Otherwise we may not need to.

Councilor Wendle stated she believes in our discussion that we said we did not want to [do interviews]. We have a hard enough time getting through our agenda now. We wouldn't really want to be spending the time for every committee. She believes if we were to change it now it seems punitive. It seems like we're selecting that person. She would say that we should leave this on our agenda and then if we're going to change it, change it afterwards. She personally would not want to be having us spend our time looking at every applicant for every committee. If you have attended the Mayor's Breakfast you have an idea of how many committees we have out there. That would be our total responsibility then.

Councilor Cummings stated if the rule is in place, we don't want to change the rule and do something different. If she (the applicant) is doing what the rule says, leave it on the agenda. The other thing is that in the past we've had trouble with filling some of these positions. That's the other issue.

Councilor Berger stated the whole point about wiggle room, that was what the discussion was back in February but we didn't want to see every committee or we didn't have to come before us and do all the appointments but if there were people on the outside who were saying "hey, I would like to get on that committee", then we would make exceptions in those cases. That's what she's asking for here because she has heard from people who are interested in this committee.

Councilor Kangas stated he has a two part question for City Attorney Woodburn on 1.a.

City Manager Frasher stated before we move on can we get any kind of direction; he has not clue on what we just did. He thinks Administrative Coordinator Van Deroef has the best recollection of what the current rule is. If she can tell us again what it is and then the Council needs to give us some direction otherwise this thing is going to evaporate.

Administrative Coordinator Van Deroef stated the resolution states that you will go out and advertise for the three committees, the Budget Committee, Historical Building and Sites Commission and Urban Area Planning Commission because they make land use decisions, are quasi-judicial bodies.

City Manager Frasher stated essentially we only advertise if there is a vacancy on those three committees or if there is a vacancy on one of the others and somebody doesn't want to re-up for another term.

Administrative Coordinator Van Deroef stated right, that's how we did it. We can go back and look at those minutes. She thinks the reason why you did that was as a courtesy to the people who were serving on the committee, giving them that option to continue their service as a volunteer, allowing them to continue if they want to so we don't have to go out and re-advertise all the time. She's not sure but thinks that is what the Council decided to do.

Councilor Renfro stated possibly when we look at this we can put some responsibility on the committee itself. It might be a case where a committee as a whole might not want to this person to re-up. There may be some way to let them address the question of whether to advertise it or not. Some people want to get on a committee and they get to be a dinosaur. The committee itself would like to get rid of them and advertise for new blood or whatever. The committee as a whole should be the one that decides that.

Mayor Holzinger asked City Manager Frasher if he had his answer. City Manager Frasher replied he thinks what he's hearing is we're going to leave 4.a. as is because that is the current rule. But he doesn't think he and Administrative Coordinator Van Deroef know any more now than they did when they started the discussion about what you want to do.

Councilor Patterson stated he thinks the Council on the whole, with few exceptions the thought is if the resolution is in place we'll follow that. We've followed that along the way and if we

want to see a change we'll bring it up on the agenda to make those changes. He would suggest that we leave it on the agenda but bring up concerns before the Council to change.

Councilor Berger stated she would agree with that. Then let's leave this one on but perhaps we can discuss giving some opportunity to the public in the future on committees. If it goes back to the committee itself, maybe that's a good idea, put together some kind of memo to committee chairs saying here's is what we've decided, you let us know when there is a position available do you want us to advertise it.

Councilor Cummings stated he's liaison to that committee. Terry Goodell is a very active member on that committee. She is always there and represents part of the motel business. She is an active member.

Councilor Berger stated she has nothing against Ms. Goodell; she's talking policy.

Councilor Cummings stated he understands. He thinks you leave it on for this one and if you want to change the policy, change it.

Councilor Richardson stated if Councilor Berger is interested, she would be willing to work with her away from the Council to come up with perhaps a white paper and come back with a recommendation to the Council on what we would like to see if the rest of you agree to that. That gives us something to look at and to argue with. If anybody else would like to be on that they are certainly welcome. [Council agreed to this proposal]

Councilor Kangas stated he had a question on item 1.a. Somebody asked to keep the record open. It seemed like we went on for a long, long time, another half hour, forty-five minutes. Why didn't we just stop there and wait until this here? City Attorney Woodburn replied you're asking at the time when Mr. Dole brought that up probably half way through the hearing why we didn't close it then. He doesn't know why. You certainly have the right to do it that way if you want to. Another way to do it is how you did it which is finish all of the verbal testimony and then just leave it open for written which is what was submitted, some written supplement to the record.

Councilor Kangas stated we don't have to go back through the whole gamut of everything again, right? City Attorney Woodburn replied no.

Councilor Kangas stated is this going to be the written stuff and that's it? City Attorney Woodburn replied it's been supplemented, pages 173 through 176.

Councilor Kangas stated we just read that and that's all? City Attorney Woodburn replied if he remembers that was provided by the applicant or maybe someone assisting the applicant. If the City desired to have rebuttal to that they could either ask for it to be extended where they have time to do that or they could respond to that but it would be limited to that little bit that was supplemented. So yes, you should allow the other side a chance to respond to that if they choose to have it. He doesn't know if they are planning to or not.

Councilor Kangas stated because we're there until midnight or something and he's just wondering what we had to do. City Attorney Woodburn stated there were probably a number of people at the hearing who were interested who would like to not have to come back necessarily. The way you handled it was probably appropriate.

Councilor Patterson stated he'll probably be stepping down on 2.b., franchise agreement with Hunter Communications. He noticed that it was out until December. They already have infrastructure in place for the County and a lot of the School District's in the public right-of-way. He's just wondering why they are now just coming up with a franchise agreement and if it would be retroactive to take in 7% of the revenues that were generated in the past. Assistant City Manager Samson replied the Council has already adopted one (she'd have to go back and look at the date on that) agreement that allowed them to install facilities for the County. That one was already in place; they had that permission previously. She's not sure about the School District, whether they're just using the same facilities or not.

Councilor Patterson stated the fees paid will be on that utility infrastructure also? City Attorney Woodburn stated he believes it's 7% on the gross receipts is the way the contract is written. He's not familiar with the one that they did with the County although he understands that it was a "limited between the buildings" sort of thing.

Councilor Patterson stated it was more than between the buildings but that's alright. He won't have much of a say in that. He just wanted to make sure that there was fair and equitable treatment of all utilities.

Councilor Paquin stated you don't have a conflict of interest if you don't have a monetary gain or potential monetary gain or a bias.

Councilor Patterson stated no, he doesn't but is going to step down as required by his

company whenever anything comes up at a public meeting.

Councilor Richardson stated the Mayor said that he wanted to move 2.e. to the front. Does this mean it's going to the front of the Public Hearings or merely that it's going to be the first thing of Council Action? Mayor Holzinger stated it will be the first thing after the public hearing.

Councilor Richardson stated so 2.e becomes 2.a. and everything moves down.

City Manager Frasher stated he wants to commend Lynn Van Deroef for taking the initiative on the quality of some of the stuff in the packet. This isn't a custom color photograph but if you just look at some of the things in the packet here that used to be basically a gray blur, after a little bit of snapping and growling and spirited discussion among our group, Administrative Coordinator Van Deroef took the initiative to look at different technology to try to improve the quality of packets. If we're going to kill trees we're going to try to make it effective at least. He appreciates what Administrative Coordinator Van Deroef did on that; thank you.

Also Assistant City Manager Samson had a question or suggestion. She left him a note about the 9/19 agenda being very light and the 10/3 agenda being very full.

Assistant City Manager Samson stated you had two other things scheduled for the last Monday workshop. They were to review some changes that you've been talking about with the sign code and then some changes that have been in the works that Council has talked about with cell towers. Those were going to be on last Monday. It's her understanding that people looked at the schedule and said let's put them on October 3rd, on that Wednesday night, because we want to get to them. Looking at the October 3rd agenda, you have a number of hearings. It will be very, very late before you would get to these. She thought this one looked like it would take less time. You've already spent quite a bit of time on Will West so you have one land use item. It appears that you could get through this one and have time, if you wanted, for the workshop that was going to be done last Monday. If you want us to do that, she's already talked to Senior Planner Angeli-Paladino and she can do that on Wednesday night. If not, we'll schedule a Monday workshop for that and it will probably be out about a month. It's up to you and we'll change it on the website.

Councilor Richardson stated do we have a mutual agreement about taking phone calls while we are in session? City Attorney Woodburn replied he doesn't recall whether or not that's the case.

City Manager Frasher stated we have a resolution asking for courtesy and respect.

Councilor Richardson stated can we ask that the Mayor step outside to take his phone call?

Councilor Berger stated she would like to address Assistant City Manager Samson and she would say yes, she would like to put that on for Wednesday's agenda. Would anybody else like it on Wednesday?

City Attorney Woodburn stated so we should notice those two previous workshop items for this Wednesday hoping we will have time to do them.

Assistant City Manager Samson stated we'll do that and she knows we had one person who has expressed interest in being there so we'll make a call and make sure that he knows that that is happening. And it is just a workshop; it's not decision making.

Councilor Cummings stated can you make note and change this agenda? Last time we changed the agenda we had a different agenda passed out so when the people come to speak to an item it was all jumbled up because we moved a bunch of stuff around. There are enough changes here. Assistant City Manager Samson stated we actually do have a new one. We'll make sure we have a new one at your spot and one for the public.

Councilor Patterson stated he doesn't know if Councilor Richardson had her question answered.

Councilor Richardson stated she didn't. Her concern (it's not just the Mayor) is if a cell phone rings, out of courtesy to all of us, we either need to turn off our cell phones or discretely leave the room to take the call. It's very disconcerting when you're in the middle listening to two different people talking.

Mayor Holzinger stated City Manager Frasher, do you have some other items?

Councilor Paquin stated wait a minute.

Councilor Richardson stated she'd like to have that addressed.

Councilor Patterson stated there is a resolution he believes for cell phone conversations. He turns his off and he doesn't answer it, lets it vibrate. It is disconcerting. Most of us are doing that also. He thinks there is a resolution that calls for that.

Councilor Paquin stated it's a courtesy thing.

City Manager Frasher stated it reminds him of the thing at the movie theater when they have the reminder.

Mayor Holzinger stated he has something he wants to talk to you about. He's thinking about being on television, thinking about the cost of being on television. He would like to set a maximum time so you can deliberate; it should be 10:00 with a motion to go to 10:30. And if we're not through with the agenda, we put it off until the next meeting. We've had that in the past. He wants to also change the time that the public can speak from five minutes back to three minutes, where we were before, and cut the staff time back to ten minutes. It's something for you to think about.

Councilor Cummings stated he mentioned to you he doesn't agree with that. He signed up to serve the people of Grants Pass. Bottom line is because our discussions go all over the place this group seems to not be getting as much done; all of us aren't getting as much done. To put that off just means that decisions won't be rendered. It means that the bottom line is the public that are making applications will be postponed and this thing will continue to grow bigger. He just doesn't think that's the right thing. The other thing is he has a problem with when somebody wants to do an appeal or does something else they bring all their people in from out of town, say attorneys or traffic people. They don't feel like they got a fair shake so they're doing an appeal of some decision that's been rendered. Many times we cut those people off in the middle of that and he's here for the people of the community that a lot of times are making those applications. If you have repetitive testimony that's the same thing over and over, we probably ought to draw a line. We don't want to hear the same thing over and over. He is here to serve the people without any time frames.

Councilor Paquin stated he agrees. The end of that is we're going to end up stacking future agendas and pushing things off. We're doing that already now and it's going to get nothing but worse. He agrees.

City Manager Frasher stated we're also adding things at virtually every workshop.

Councilor Paquin stated he agrees and he agrees with Councilor Cummings. He likes the three minute thing and he'd also like to have it enforced when we have repetitive testimony with the Mayor saying we've heard that, have you got anything additional. Mayor Holzinger has done

that before and it's very effective to say we've heard that argument already, if you've got something else new to add fine, otherwise move on to the next person. Repetitive testimony is a lengthening of a meeting that doesn't necessarily [add anything]. The other thing the Mayor might want to think about and he doesn't have any problem with this, maybe some people do, and that's starting the meeting earlier, starting at six instead of seven.

Mayor Holzinger stated he's told you before he cannot do that at six o'clock, period, because of his medication. He can't do it.

Councilor Paquin stated well, 6:30 or whatever it happens to be.

Councilor Berger stated she too is here to serve the people of Grants Pass and this community. She feels like she does not serve them well past 10:00, 10:30 at night because she can't think. She's reluctant to ask questions because she knows she's going to invoke some kind of discussion which could go on for another half hour, forty-five minutes. Actually Councilor Kangas talked to a Councilor in Medford. What they've done, he says they've done it for quite a long time, is that they take part of their packet, the business part of the packet and they do a lunch on Wednesday and they take care of all of that business part of it and then they do their public session in the evening and he says they're out of there, despite having agendas the size of ours, they're out of there by 9:00, 9:30 at night. That's a really good possibility as an alternative to going into the wee hours and not really wanting to hear anything more, not make good decisions.

Councilor Kangas stated he has to agree with everybody because all of you have good points but the problem that he sees is we're not doing the City justice, we're not doing the people justice when we get so much stuff that we can't read it all and we can't digest it all and then we can't really discuss it all because there is so much on here you end up going "aye, aye, aye, aye". Somehow, and as Councilor Berger said, he was talking to this Medford councilor. They just put all the garbagy stuff at lunch time. They have a nice little lunch and they get it all out of the way and then all the public hearings are at night. They're both open meetings and they advertise them and the councilor said it works great. It's not reinventing the wheel; it's something that could be done.

Mayor Holzinger stated we had this rule before and it went fine. We had it at 10:30 and for some reason we were able to get things done. We talked a little faster.

Councilor Renfro stated he was going to ask Councilor Kangas do they have a Monday workshop like we do in addition? Councilor Kangas replied no. They have their luncheon and they do like the consent calendar and stuff like that.

Councilor Berger stated they don't have a workshop.

Councilor Kangas stated that's part of their workshop. They do it all right then and it's all over with and they get all the stuff out of the way. He's doesn't know, do we have anything on the agenda that's not critical? Approve minutes of the regular meeting, September 3rd, we get all that stuff out of the way and then we're not doing this at night so they're getting out of there on time.

Councilor Patterson stated the consent calendar usually done in one motion, five seconds.

Councilor Kangas stated sometimes we have a discussion.

Councilor Patterson stated that's all the business. If we're going to pull something off of that agenda it should be on a Monday. But everything here, just about all of it is public testimony. If you look at our public hearing and council action, all of this stuff takes public input. It's nothing that we do.

Councilor Kangas stated they have the public there, just have them at the public meetings but they just divide the thing up.

Councilor Patterson stated he would have to say as much as he [] and the long nights occasionally, it's time consuming. It's what we have to approach and get taken care of, public testimony. We've got a lot going on and it just can't happen in a couple of hours. All of it ought to be televised. There shouldn't be any cutoff because then we get the perception that not all of the Council is being watched in the evening.

Mayor Holzinger stated a comment to him was the fact that after 10:30 we looked like a bunch of babbling idiots.

Councilor Cummings stated it might have been before that so he doesn't know if 10:00 is going to make us look any better or not. He spent six hours of his weekly week last week on City business. That's not visits from the public; that's not phone calls from other folks. That's just normal stuff. That's a luncheon, that's just his normal thing. He signed up for a deal where he knows where the time is. He guards his nights and he is killing one night. He doesn't want to add

a night because of his family and he has to watch the time he spends. It's hard to get a real job done; thank goodness he doesn't have a real job. It's really hard to do it. If you participate in all the committees that you're supposed to, he spent two and a half hours with RVACT. The week before it was the Tourism Committee. Each week. And he tries to go to all of this stuff. So then we want to add some more time during the week. He'd rather kill a long night and save some of his working day to try to do what he's supposed to do with his work.

Councilor Richardson stated some of this stuff that we need to consider is we are not very efficient with our time. We just brought up about the consent calendar. If you read your Robert's Rules of Order, a consent calendar is one of those things for which no discussion is necessary. If you believe that there is something on that consent calendar that needs to be discussed, we as a Body need to vote to remove it from the consent calendar and move it into consideration. We get wrapped around the axle when we start taking exception to that. Also, someone who has been a public speaker, you can say everything you need to say in two minutes if you're prepared. What's happening to us, and it would be painfully obvious on television, is people are not prepping. They're simply standing up and talking. She thinks it was Winston Churchill, when asked how long it took him to prepare for a meeting, said oh, he could prepare in an hour. They said what if you stood up and did something else and he said then it would take him days to craft a two minute speech but he could speak off the top of his head forever. We need to focus on that. Two minutes is ample time to state your objection to something or three minutes. More than that and you're repetitive.

Councilor Paquin stated all of us were interviewed for this job; all of us took an oath. Everybody was asked the question do you understand the amount of time it's going to take to be a City Council person. Every single one of us has been asked that question having to do with committees, having to do with the length of time of our meetings. Everybody said, to his knowledge, that they did understand. The business that we have now is a lot more complicated and lengthy than it was when there was the 10:00 or 10:30 deadline. He would be adamantly in disagreement with changing it. He would be in favor of changing it to earlier but that's a Council decision.

Councilor Patterson stated he finds it interesting we're talking about being effective in time

and we're haven't yet started our agenda for today.

Councilor Paquin stated good point.

City Attorney Woodburn stated this discussion hasn't been noticed. There may be people who actually want to chime in on this.

Mayor Holzinger stated okay, end of discussion.

City Manager Frasher stated the City Attorney has an update for you on the memo that was sent out to you about advanced financing districts and one or two other things he wants to share with you.

City Attorney Woodburn stated the first thing he'd like to do is just clarify what workload we're supposed to carry out of this meeting. For staff it's very difficult to have these sorts of discussions and not know what we're going to bring forward in a workshop. What he thinks he heard and he already put something about Resolution 4899 dealing with telephonic and the Mayor was just bringing that time up. His understanding is that we're going to be bringing forward a workshop on that resolution to deal with telephonic attendance and now end of meeting time. It will deal with five minutes to three minutes; it will deal with staff time on land use. Is that something you want brought forward to do in a workshop where it will be noticed and discussed? [Council consensus was yes]

City Attorney Woodburn stated the second issue which he heard that needed to be brought forward in the way of a workshop was residency with respect to the Urban Area Planning Commission. That was brought up early on. You wanted to discuss that. His only question on that workshop is do you want us to address all committees or only the Urban Area Planning Commission?

Councilor Richardson stated she believes it was our understanding that she and Councilor Berger were going to go off and be kind of a little subgroup and report back.

Councilor Berger stated this is a different one.

City Attorney Woodburn stated so at this point we will not plan on a workshop unless we hear differently.

Councilor Berger stated okay.

Councilor Richardson stated the idea is we may have some questions for staff and need

some support but we're not expecting staff to have to come back with a recommendation. City Attorney Woodburn stated that's great; one less workshop to plan.

City Attorney Woodburn stated finally, reappointments or a discussion about a resolution what was going to be or what wasn't going to be in place after 4.a. That's a workshop that needs to come back or is that something you want to get back to us on?

Councilor Richardson stated same thing.

City Attorney Woodburn stated so we will wait. The only workshop we're walking out with relates to Resolution 4899.

The last thing is with respect to advanced financing districts. There is a lot discussion, there are a lot of questions to him about what we should and shouldn't be doing on advanced financing districts. He actually looked at the ordinance, read it, and frankly the way we're set up is if we want to decide yes or no on an advance financing district that happens with the resolution of intent to form. The second time it comes back to you, which is in ordinance form, the language in the code only allows for a cost allocation and for the City to enter into an agreement with the developer. So if you want to say yes or no, thumbs up or thumbs down, it really needs to happen with the resolution of intent. If you were to then say no completely at the cost allocation, you certainly could do that but you might be setting us up for a lawsuit because they can say hey, we've already got a deal, all you're supposed to be doing in your second one is deciding whether or not the figures are right. That's how it's set up now. Certainly in the discussion if you want to change that or however you want to change that, let us know but that's how he interprets the way it's written right now.

Councilor Cummings stated there has been some discussion in the discussion we're going to have today about allocations. Can allocations towards lots and that kind of thing change on any of those advanced financing districts? It won't affect any of the development community but it will affect perhaps people. He's wondering how that works. City Attorney Woodburn replied the only thing he's addressing is what you're trying to accomplish in that second vote, the ordinance vote. All you're trying to accomplish there is cost allocation. What you're talking about and how it's going to be set up, that's a methodology thing that Assistant City Manager Samson is going to cover.

Councilor Cummings stated the agreement is with the development community or someone doing the advance financing district. That never changes. It's just allocation perhaps could change. He'll wait until the discussion.

Councilor Berger stated she thinks Councilor Cummings got a yes, an okay, to his question. She's not sure what you said, City Attorney Woodburn. Does that include discuss allocation after we've adopted the resolution? No? Does this thing apply to local improvement districts as well? She knows they go through a multi-step process. So that would be the same thing. We couldn't come back later after the resolution was adopted and say no.

Assistant City Manager Samson stated the resolution for a local improvement district has a little different purpose than the advance financing district one. The resolution for the local improvement district simply tells the staff that we have permission to go out and do cost estimates. We aren't even at the cost estimate stage of the resolution. That one you do two ordinances. You do one ordinance with estimates and then you come back and do a final to adjust it.

With the advanced financing districts, it used to be we would only do the final ordinance. We didn't do any of this pre stuff. When it was all finished, we knew the cost, we would notify everybody, tell them what the costs were, hold a public hearing. We had some problems with some neighborhoods who said wait a minute, they saw the line going in but they didn't realize an advance financing district was going to be formed. They thought they were going to be able to connect and only pay the connection fee. At that point, and this was probably five years ago or something like that, not very long ago, the Council said they want a resolution in the beginning to tell people this is an advance financing district and she believes at that point we'd given cost estimates; she'll have to check on that. She's not sure if you can technically change them but there is a lot of heartburn if you change the formula because whenever you do a formula the bottom line amount is the same and somebody's goes up and somebody's goes down. That's a tough thing to do after you've given them their costs.

Councilor Richardson stated she's been looking around at various communities that do that. What seems to be consistent is the two-stage process that's required in our code but more importantly, when you have an intent to form you're also pretty much outlining how you think the

cost allocation is going to be. Whatever method you choose, the second meeting is only to say we estimated it was going to cost \$1M appropriated this way; it actually cost \$1.05M and this is how the final costs are done. It's really not you get to decide how it gets reallocated at the second hearing. You've already made that determination up front so that everybody knows how they're being assessed.

Mayor Holzinger stated with that we're done with Agenda Review.

3. AUDIT SELECTION

City Manager Frasher stated he'd like to draw the Council's attention to Memorandum No. 044 that he gave you about three weeks ago. There are some highlighted yellow areas in there. Hopefully you brought your copy with you. If not, here's his. The Council is going to need to take action to select two of those. You don't have to do those audits but those are things that we put in the package because that way you can have a random audit. These are extra, above and beyond the ordinary required audit that the City does every year. Those are options that staff put forward.

Councilor Richardson stated the very first one said it could run anywhere from \$5,000 to \$8,000. Obviously that pretty much wipes out the additional \$10,000 in the budget you have. That is quite an estimated range. City Manager Frasher stated depending on what service area you were to audit, the estimated prices are attached to each one of those. If you audit a little tiny thing like dog licenses, then you're going to have a very small amount but if you audit Jo-Gro for example it's going to be a larger amount.

Councilor Richardson stated if we said audit this but confine your audit to \$5,000 not \$8,000? City Manager Frasher stated he would try to go by these estimates because his concern would be pick up to \$10,000 worth of stuff but no more.

Councilor Richardson stated and the first one says well it could be \$5,000 or it could cost \$8,000 depending on what they find. That certainly limits our ability to pick additional ones. City Manager Frasher replied right but it is an estimate. If you go a couple thousand over we do have a contingency fund that we can tap for that. You're not going to be wrecking the budget as long as you stay close.

Councilor Cummings stated the tourism class advertising budget has been getting a little bit of heat. He's wondering if it would be appropriate to maybe audit that particular fund. In timing

it would be one that would be good. He'd like to see that. Again he's the liaison for the Tourism Committee and he'd like to see us audit that particular budget.

City Manager Frasher stated before we move on, Finance Director Lange, is there any reason why we couldn't just put that memo on the agenda for Council decision so they could pick the two in a regular Council session? Finance Director Lange replied there's no reason why we can't do that.

City Manager Frasher stated he thinks that what we should do. He just wanted to remind Council that it was out there. For those of you who might have put your memo in the shredder, we'll just put one in the packet for you to consider next time around.

Councilor Paquin stated this came forth from Jeff Hyde. He's the guy who originated this. If he remembers correctly, the intent was that they were going to be surprise audits not known by the staff or the City Council. We were going to give them a budget amount to work within and they were going to address one, two or three areas where they felt it would be appropriate to do an audit. It was never supposed to come to this table, just going back to Jeff Hyde's intent for this. That was the intent by which it was approved. He'd just like to point that out. He doesn't think we ought to give them carte blanche to go ahead and start spending money but they give us the budget that we approve or we approve a budget and they stay with it and do one, two or three areas. Just a reminder of the original intent.

City Manager Frasher stated in all of those supplemental audits, he just wanted you to know it's available because Council did appropriate the money. If you don't spend the money, it goes back to the public anyway. There may be years when you don't see a need to audit any of those. On the other hand you may want to spend the whole \$10,000. But you don't have to spend it just because there is a list there. Keep in mind also that even these supplemental audits, there is still staff time involved in cooperating with the auditors on the audit. There's always a cost to everything you do, even if it's going to be more than the amount budgeted.

Councilor Cummings stated the actual audit became an issue when there were unbilled water bills. That was part of the remedy, do an audit of items randomly.

Councilor Paquin stated the intent was for the auditors to pick areas that as they picked up in the audit would be appropriate for them to go into more depth in certain areas. Again, it was

not supposed to be dictated or chosen by the staff or the City Council. We would set the budget and then we would be advised later what that was.

Councilor Richardson stated when we look at these, the first topic for everybody who doesn't have their one here is to audit businesses that pay franchise fees. We derive significant revenue from businesses who pay franchise fees. Increasing the audits in that area is very significant. We also have at least two other items. We have the hotel tax. We have enough hotels that it definitely is justified to check and make sure that those folks are doing what they need to do. It is important that we decide where the auditing be done because if you just sort of let auditors follow their noses there's no telling where they will go. The other option is the system development charges. Some of those are very new and checking to see how that is being done has an opportunity for significant payback. Those were the three that she thought were important when she looked at them. They directly affect the fees that come to the citizens of Grants Pass for operations that they find useful and beneficial. To her those were the three areas that should be supported.

Mayor Holzinger asked City Manager Frasher if he had his answer. City Manager Frasher replied he has an answer from one Council member. Do you guys want this on the agenda or do you want him to take that input, if there is consensus, and direct the auditors to audit two or three of these areas? He's okay with either one.

Councilor Wendle stated she'd like to see it placed on the agenda. She believes the intent was for the Council to pick. She knows she wasn't here the first time but she was the second time around. Having had a conversation with Jeff Hyde, it's important for the same reasons that Councilor Richardson mentioned. It shouldn't be the purview of the auditor. That should be something where we feel that we will benefit as a City.

Mayor Holzinger asked everybody agree with that? [Council consensus was agreement]

4. SURVEY TOPICS

Assistant City Manager Samson stated we talked about this before at a Council meeting. She gave you some projections, asked for some suggestions on what you might do. Just a reminder, we do this survey every year. We do two parts of it. One is to test and see how we are doing in providing service. It's useful for us to look at trends. One year there may be some

anomaly, something going on but you look at trends over time so it's important to do this frequently. That's probably three quarters of it.

The other portion is we ask about ten questions about a specific issue that the Council wants some follow up with. You set that topic for what that issue is.

Mostly these are looking for gut reactions. We tried one time; we had some things that were very detailed about growth. The questions didn't work at all. It was just too big; it was too complicated for people. They got annoyed being asked questions like that. You want questions that people have a response to.

These are the things that have worked very well for us. In the past we were able to test an interest for how do you support transportation. Would you look at this point of transportation primarily maintenance. We asked about these three (reference overhead). We've asked about cameras at intersections, things that are more common where people have a response to them. They don't need a whole lengthy five or ten minute explanation for each question.

These were the topics that we talked about when she presented this at a Council meeting.

Public Safety funding – this has been on the Council work plan for four or five years trying to determine if there is an alternate revenue source for Public Safety. You sort of have narrowed it down to the only thing that appears would work, would be something that the community could support, would be some sort of a fee. She's done a little bit of work. This is really, really, really preliminary just to give kind of a sense of what this would be to generate the amount of revenue that we're currently generating. We would need to be looking at a resident paying a fee of \$12 to \$15 a month. Their current property tax is \$1.57. We'd need to come up with some factor for commercial and industrial. This is something we could ask about on the survey. This wouldn't be the question but do people prefer paying new property tax or would they prefer to pay some sort of a monthly fee. That would be the kind of a question that we would be able to go with.

On growth management, these are tougher questions because it's a more complicated issue. One that we might be able to ask about that has come up in here frequently is who should pay for widening roads, specifically arterials or we could make that all roads.

Gas tax – this is something that's been talked about for seven or eight years. We've been talking about a gas tax. She did a little bit of research looking at other communities and how

much do they generate. It's going to be difficult to come up with a real hard number here because we don't get our gas tax revenues based on how much Grants Pass generates. We get it based on how much is generated in the City and then a formula allocation based on population. It's a little bit tough to get to this number. But generally in looking at what other people are doing it looks like we'd get about \$300,000 per penny on a gallon of gas. You could talk about targeting that funding to some of the really major issues that you have that have been difficult to get at.

Finally, there has been a lot of discussions out there about the library, what to do. We could look at a series of questions that deal with should the City have some financial role in reopening the library. That will be another one where we could ask a series of questions and try to get at that. Is that something they want you to do or is that something that should be dealt with on a countywide level and let it go where it will.

So that's it. She didn't get any calls on other ideas. We have another step in this. We'll come back with the specific questions for you to look at but she can't get the contractor to get started on the questions because she doesn't know what topics you're interested in exploring. If she can get some direction on that then she'll get the consultant busy. We like to do this in the fall before we get caught into the holiday season. It really needs to be no later than early November when we're doing this.

Councilor Berger stated to add another possibility on there, what happens with the question how fast are we growing. Assistant City Manager Samson replied we always have that one. About three quarters of it are standard questions.

Councilor Berger stated so do you want us to pick three out of what you've got here or just one? Assistant City Manager Samson replied we might be able to do two; obviously one. And then depending on how complicated it is and how many the consultant thinks we need to really get at, you could do two.

Councilor Cummings stated being that we're going to have to do a levy in about a year his first vote would be the funding for police and fire.

Councilor Berger stated she would also like to see something on that funding and if she could have a second vote she'd like to see something on the library because she's had a lot of people approach her on their concerns about the library and what Grants Pass itself is going to

do. Assistant City Manager Samson stated did you say you also liked the one on Public Safety when you said funding? Councilor Berger replied yes.

Councilor Wendle stated her two would be the same. She's had probably [] both on the two.

Councilor Richardson stated there are two that we may want to consider. One has to do with the stormwater plan that's due to come before us very shortly where they are proposing a fee. We need to talk to the people. If nothing else, it's advising them again that it's coming. That's a very near term thing that really is going to happen. The second one we need to consider is if we are confident that the County will continue. If it doesn't we may need to start talking about rejuvenating the municipal court system. That's one of those that's going to hang out there and it has to do with Public Safety. That's another issue that may come as a result of Josephine County going into dissolution.

Councilor Paquin stated it's his understanding that the County and the committee that's working on that library, its intent is to privatize. That was one thing. The second thing is that when the library first went down, he went over and got the stats for how the vote went within the City and it was turned down predominantly as well. He gave those results to City Manager Frasher because we were thinking about maybe talking to City Council, do we want to step in and be a part of trying resurrect the library. The City voted it down as well.

Councilor Cummings stated there are two different committees and he thinks they are going to one committee on the library to privatize it. But they still are going to be coming to us for some sort of participation. He would think with that being an issue that's going to be right before us maybe we ought to do the library.

Councilor Paquin stated we had the vote and the voters said no.

Councilor Cummings stated the voters said twice no.

Councilor Berger stated she wouldn't bring up any more topics. We've got plenty to choose from.

Councilor Richardson stated her concern is we might be perceived as competing with the existing library committees.

Councilor Cummings stated supplementing the committees.

Councilor Patterson stated like Councilor Richardson said, the municipal court is vastly important especially with the approach that the County Commissioners are taking. He doesn't think it's going to be enough. And Public Safety funding would be something that he'd like to take a look at which goes right along with municipal courts.

Councilor Kangas stated he'd go with Public Safety and then the library too.

Councilor Renfro stated the municipal issues are probably too heavy to put on a survey. People aren't going to understand it.

Mayor Holzinger asked are there any more suggestions? [There were none.] He then asked Assistant City Manager Samson if she got what she needed. Assistant City Manager Samson replied it sounds like Public Safety funding will be our first priority and then we'll see if we can squeeze some questions in here about the library. On the stormwater we did look at doing it. The timing didn't work very well because you won't get the results back from this until probably December or January. Stormwater is scheduled to be moving through.

Mayor Holzinger stated we get the results at goal setting. Assistant City Manager Samson stated that's what you normally do.

5. DISCUSSION – LOCAL IMPROVEMENT DISTRICTS, DEFERRED DEVELOPMENT AGREEMENTS, ADVANCED FINANCING DISTRICTS

Assistant City Manager Samson stated the little packet that she just handed out to the Council, the reason you have that is that's all the history stuff. She's not going to over it but Councilor Richardson had asked for some background information. This is all stuff you have previously received. It was determined that everybody should have it again just in case you lost it but she's not specifically talking about that. That's really background stuff in case you want to go back and see what we've talked about in previous meetings. What you do need is the one that says September 17th on it.

Mayor Holzinger stated there has been some discussion on public input.

Councilor Cummings stated he thought last time we were here, even though it was a workshop that to get something out of this group we were going to pass it back to the staff to bring back an ordinance to act on it. He thought that's where this workshop was going. He thought at that point in time we discussed that it would be appropriate for the public to be able to speak to

the particular issue. He believes that's what we discussed when we did that.

Councilor Berger stated she certainly doesn't object to hearing from the public on this issue but we've already put a lot of time into trying to come up with some policy and we haven't. Although we've made headway we certainly haven't come up with policy. She's afraid if we bring the public in at this time we're just going to get more dispersed in our discussion and stay less focused. She'd like to stay focused, come up close to whatever kind of proposal would make an ordinance and then get feedback from the public to see if we're going in the right direction or to something else. She's just afraid it was like throwing the Planning Commission into this discussion at the wrong time.

Mayor Holzinger stated City Attorney Woodburn do you want to pass that information on?

City Attorney Woodburn stated what Mr. Chapman pointed out was at the August 15th meeting, a comment by Councilor Renfro when they were talking about whether to have a motion or not and Councilor Renfro said "he didn't know if we really had to have a motion on this. He knows it's on the agenda; we've done a fair amount of work on this tonight". This is that evening that you talked about advanced financing districts. Councilor Renfro goes on to say "if we just keep in mind that we're going to continue working on this and maybe develop a workshop with the builders association or something and continue working on this as we go along because we have other things to look at anyway which are going to be intertwined with this. He doesn't think we need a motion." You never did a formal motion but certainly that's just a statement that Councilor Renfro made which probably led some people to believe that the workshop was going to be public based on that statement.

Councilor Renfro stated he re-asserts that because he thought that's what we were going to do today. That's why so many people are here, that they would get some input on this. It's real important that we get consensus of what's out there in the community besides what's on the Council. He knows he has his own ideas; they don't jive to a lot of people. He needs some ammunition why it doesn't. He would like to hear arguments on the other side so he can see where he's wrong or if he's wrong or whatever.

Councilor Wendle stated she agrees. She understood that since we didn't have a motion and the last thing that we heard was Councilor Renfro's proposal. She'd like for the Mayor to ask if

people came believing that they were just going to be listening or if they felt they were going to be able to directly speak.

Mayor Holzinger stated he already knows.

Councilor Berger stated the way this workshop has been proposed in fact two months ago was it was to be about local improvement districts. You can ask them but she thinks these guys are here to talk about advanced financing districts. That wasn't what this thing is billed as. It's a local improvement district workshop. At some point, yes she heard mention of getting the builders' feedback on advanced financing districts. She thinks she even heard it referenced from Councilor Kangas as if it had happened and she wondered well she didn't remember getting that feedback. So yes, we should do that but she doesn't think that was the purpose; it wasn't the stated purpose for this meeting.

City Manager Frasher stated he'd like to ask City Attorney Woodburn. He doesn't know that we noticed that there was any kind of public hearing or public comment. Since this is a workshop, it's not a Council decision time, his concern is if there are people here who want to speak, for example everyone who is here wants to speak in favor of one of these things. If it's not noticed then people who might want to speak opposed didn't have the same notice. His concern is whether or not we're being fair because some people had an impression and others might not of. It seems that Council is here for a workshop to try to solidify or maybe X off anything that's kind of, if you have a for sure we're not going there, you can kind of X that off and solidify the direction we're going to go. Then at the actual Council meeting you would notice that as an agenda item and allow people to speak then on both sides. Then both sides have the same quality of notice. He has a little bit of concern about that.

City Attorney Woodburn stated we've never noticed necessarily that we were going to take public input or not take public input. He knows in the agenda it talks about Council action and it splits things up in that regard. All that's required to be noticed by law is the principle subject anticipated to be discussed. Whether or not the public is going to have input on those has never been noticed and he doesn't think it's required. He knows in the past on workshops sometimes when people are here who have information, the Mayor just sort of makes a decision as to whether to hear them or not. He knows that's happened for a long time. This subject of local

improvement districts was noticed. He believes advanced financing districts was noticed at the time as an if there's time sort of thing.

Assistant City Manager Samson stated we changed that when we found out it was going to be a workshop until three o'clock. We actually noticed that it would include local improvement districts, advanced financing districts. Deferred development agreements may have been said at the time but she's not sure we're going to get to those. But on the website we said those.

City Attorney Woodburn stated he doesn't think there is a legal requirement to say yes, there will be public input allowed at this particular meeting. We've never done that. He doesn't think there is a legal requirement. If there is a question of fairness, if the Council wants to change how we notice things and start declaring when we're going to have public input or when we're not, we can do that. But he doesn't think there is a legal requirement.

Councilor Berger stated she is going to have to go at 2:30 you guys. We need to get to something.

Councilor Cummings stated when we discussed this we were going to go through that list. And again, we were going to start with local improvement districts and we were going to try to get through all three of them. Our intent was to at least do one but try to get through all of them.

Councilor Richardson stated it's important. She's watched from the audience a lot and you all never have an opportunity to talk at Council meetings. The public stands up and tells you what they want at length. But she thought the purpose of the workshop was for us to put together something, regardless of what it is, and then go back and let the public comment on it. It's important that we retain the character of a workshop so that we get familiar with these things, not invite the public to add until they have something to discuss.

Councilor Berger stated okay, can we start now?

Mayor Holzinger stated okay, that's what it is.

Councilor Cummings stated what is what it is?

Mayor Holzinger stated we're not going to take any input.

Councilor Cummings stated based on what?

Mayor Holzinger stated his decision.

Councilor Renfro stated can we object?

Councilor Cummings stated he doesn't know that we agreed to that.

Mayor Holzinger stated yes we have.

Councilor Richardson stated call for a vote.

Mayor Holzinger stated he can't call for a vote. Thumbs up?

Councilor Cummings/Councilor Renfro stated for what.

Mayor Holzinger stated that we'll allow people to speak. [Councilor Cummings and Councilor Renfro were the only thumbs up] Those who want to not have the public speak. [Councilors Patterson, Richardson, Berger, Wendle, Paquin and Kangas gave thumbs up]

Mayor Holzinger stated okay. Assistant City Manager Samson, go on.

Assistant City Manager Samson stated what you see with your packet is a lot of information. You asked for a lot of information at your last workshop on this. A lot of it is spread sheets and that sort of thing. They did not work on the screen so she had to give them to you in paper form because it was just too much information to try to look at. She'll run through it and then we can come back to the ones in the packet. She will reference where they were falling in.

Councilor Berger stated she has to go at 2:30. She talked about that a month ago when we set up this meeting. We would like to have some discussion time. We have talked about this at length and we do know what local improvement districts are. She doesn't mean to hurt your feelings but she's just concerned about time and accomplishing something.

Assistant City Manager Samson stated okay. She just wanted to make sure we all know what the questions are so we don't get scattered, so we can keep it focused on the discussion of the issues that have been identified previously. One of the things that we did not get at last time (you talked about it but this was put up there and what she heard was that you felt this was important) was what are the goals that we are trying to get at? What she highlighted in green, because she was afraid we wouldn't have time for this more theoretical discussion, was where she thinks you are (reference overhead). We can come back to that if this is not where the Council is. She thinks you want to maintain growth. She didn't put manage growth because she believes everybody wants managed growth. So maintain, manage growth, slow and even slow growth still needs to be managed. That really the infrastructure in your priority is in the high priority streets. That's where you want to focus and in financing that you did believe that property

owners should pay a share of this. We can either stop and talk about it or we can lay out three or four issues and then open it up for discussion.

Councilor Berger stated she's just going to question you. Are you saying you got a vote from Council? Assistant City Manager Samson replied no, she did not get a vote...

Councilor Berger stated are those that are highlighted are what we said we voted on? Assistant City Manager Samson replied no, they are not votes. This is the impression that she's gotten from the last couple of discussions that you've had, that this is where you were.

Councilor Berger stated so if we disagree with your impressions we should give you feedback [] should go on? Assistant City Manager Samson replied absolutely. Let her finish it because then you'll see what the whole thing is. She thinks it will make a difference. If your goal is to slow growth, it's a different way to look at the tool than maintaining growth.

Assistant City Manager Samson stated it looked like what the issues are that there were real concerns about the formula, concern about putting a potential cap on that, and then if you do put a cap on it, there was recognition that when the costs are higher than the cap, somehow you've got to fund that gap. So that was the focus of the discussion last time. It appeared that this was not a concern, that we did not have to come back and talk about do you want to change the percentage to form the district and it didn't seem like philosophically people had a problem that there is a responsibility. Maybe there was a difference on how much responsibility, but that there was a responsibility for property owners to pay for their frontages.

This is what you told her to bring back. You wanted some more examples of how the formula would work. You wanted some discussion about caps. And then, other funding sources. You specifically asked about how much money we had with the system development charge. You asked specifically about a gas tax estimate. And you asked about priority streets in Redwood. That was all information that you asked her to return with this meeting.

You have a handout. The handout shows you, using two very recent projects, looking at Darnielle and West Harbeck, what would the costs have been if you did them by lot, what would the cost have been 50/50 and 65/35. When you're discussing, they're in your packet, which is too much information for the overhead.

There are reasons to do this on the cost per lot. There are some real advantages to it. It

is simple. It's easy for folks. There are some disadvantages. You have to draw sort of an arbitrary line of whether you count a lot as one lot or two lots. And then there can be a disconnect between the obligation in the Development Code and then the cost. If you want more detail on this, she's trying to rush through this just so you have an understanding of some pros and cons because this came up for the first time at the last meeting. Then what we'll have to do once you make that decision on residential, we'll come back with some recommendations and then maybe what the cost might have been using commercial, industrial, multifamily. They don't work very well with that per lot. They'll need to have something different.

Then there was some question about schools and nonprofits. There was a suggestion that could we treat those differently. One is no, you treat them the same, put them in this group of commercial, multifamily and come up with some formula that works with them or you can charge them less. The one reason you might is that they're providing a special service. On the other hand, they already have an option. She's sorry, Councilor Berger, she's...

Councilor Berger stated she knows Assistant City Manager Samson but we're going to have to come back and talk about it. How can we possibly...

City Manager Frasher stated we're just going to have staff stop and when this group decides what you want to do, Assistant City Manager Samson will just sit down until they decide what they want to do.

Councilor Berger stated can we talk?

Councilor Richardson stated yes, we ought to.

Councilor Patterson stated number one, he took the day off so he could be here to go through this whole thing. All three of them are very important. If you have to leave at 2:30 you're going to miss something. He's sorry.

Councilor Berger stated she's sorry, she's the one who actually set up this meeting and pushed for it and called everybody. She wants to have time to talk. And we have heard this. Like she said, she's not trying to bash Assistant City Manager Samson in any way but she thinks we need to start talking.

Councilor Patterson stated he thinks we need to get clarified in our minds what we're looking at and what decisions have to be made. He's here for the day. He made that because he

knows it's important. He doesn't think one person ought to drive what....

Councilor Berger stated should we just take a vote if we want Assistant City Manager Samson to continue or we want to start talking. How's that?

Councilor Wendle asked isn't that up to the Mayor?

Councilor Berger replied yes.

Councilor Wendle stated she really feels like you say you are running the show.

Councilor Berger stated she []

Mayor Holzinger stated he thinks we should start talking.

Councilor Wendle stated she thinks we should take a vote.

Councilor Kangas stated you just said it was the Mayor.

Councilor Wendle stated she's asking him to take the vote for us.

Mayor Holzinger stated no you said it's up to the Mayor.

Councilor Wendle stated what she meant was Councilor Berger is not the president, she's not the...

Councilor Berger stated neither are you Councilor Wendle.

Councilor Wendle stated no she's not but she'd like to be able to deal with this in a somewhat consistent manner.

Councilor Berger stated []

Councilor Cummings stated his question for Assistant City Manager Samson would be how many things are key points that you have not really gone over? Can you abbreviate it? Are there some key points that you need to give us? Assistant City Manager Samson replied she doesn't know. It's in the packet that she handed out.

Councilor Cummings stated we've got a packet; we've got notes.

Councilor Patterson stated he doesn't like looking like an ass in front of the public. We have been in the last couple of meetings because we've been dysfunctional. This is just another point to drive home the dysfunctionality. It is not staff. Staff is acting on what we've asked of them. They're presenting the program. It's us, as Councilors, who are dysfunctional. We've got to drive home that we're here for the community. We all have time restraints. He works; Councilor Kangas works. A whole bunch of people work here and we have made arrangements to be here

because we know the importance of it. He is sorry but we are eight people and a Mayor that have to make the decisions. He doesn't want to make half baked decisions on something as important as these because these are financial items that help run this City and we've got to get them right. So if it takes two hours, three hours, four hours this afternoon, that's what it's going to have to take. But he doesn't want to make a half baked decision because he's not really sure of all of the issues involved. He's sorry, he's for getting the presentation, discussing it. If it takes until three o'clock, it takes until three o'clock, if it takes until four. Thumbs up?

Councilor Richardson stated as long as we have a quorum we can keep right along.

City Manager Frasher stated shall we continue the presentation? [Council consensus was yes]

Assistant City Manager Samson stated then the other question you asked was about the formula and the discussion of do you want to do a per lot one. It seemed like there was a lot of interest in that. The other thing you had an interest in was the cap. You asked what kind of cost would we be talking about, where would that be. This is a sample of just the road and storm costs (reference overhead). Those tend to be the higher costs, not always but tend to be the higher costs. You can see you have a range here (reference overhead). Here is the highest one. A couple things play into how much a road project is going to cost. One is whether we're able to rebuild the existing road and keep that and just build on that, which we are planning to do on Darnielle, or whether we're actually building a new road. These are per lot costs. She translated them all into per lot. The other is what kind of zoning do you have. When you have zoning like R-1-6, and it's developed to that small of a lot so you've got lots that are 5,000 square foot in size (a lot of them that size) then you can share the cost with more properties. So that will also push the cost down a little but. Those are some of the factors when you're looking at what should the cap be. It's going to be a little tough coming up with a fair cap on that.

Then some water costs (reference overhead). Again, you can see that there are some differences here. This one, the water utility provided a contribution. It was part of looping so that's why that is so low (reference overhead). This is a little more consistent (reference overhead). So you can see the range of costs if you did the lowest to the highest, you have about a \$4,000, almost double the cost.

Some of the reason for caps. Certainly they can be less of a burden and you've got a known quantity. So you can say your cost will be no more than \$10,000 or whatever you set, \$6,000. Some of the reasons that you would have no cap, one of the concerns she's heard is the thing about subsidizing new development. If you put a cap on it, it will subsidize new development because those new lots will also be able to benefit from the cap.

Councilor Berger stated that cap she thinks was referring to existing residential lots only not new development. She was referring to the way Ashland had done their local improvement districts and if you read their resolution it is for existing residential units not new development.

Assistant City Manager Samson stated okay; she doesn't know if you want her to []

Councilor Berger stated go ahead but she wanted to clarify that because people don't have a concern about that at least the way she thought we were talking about a cap.

Assistant City Manager Samson stated depending on where you set that level for the cap you are going to have to look at the issue of who makes up that difference. Then, it won't be an equal subsidy because some people who are on very large lots then will end up with a larger subsidy than somebody on a small lot if we have a cap per lot.

Multiple frontages – you did talk about this one a little bit. Our current ordinance already protects those people who are on a corner lot. They only have to be involved in a local improvement district on one frontage as long as they don't have an agreement where they are part of a subdivision or part of something so that they are obligated for both frontages. You may want to change that. You may want to expand that to the one where it's not a corner lot but somebody has the back of their lot as well as the front of their lot. Then the exemption there.

This is other information; you have it in your packet, a list of local improvement districts. If you need the detail we can pull it up. Other funding sources – you've got a lot of information in there about how we fund this. You've got a list of all the projects in the Master Transportation Plan. You have a handout of the system development charge budget over the next eight years. Please, this is a potential list. The Budget Committee has not approved this list but as staff we're looking at what projects are coming up. That gives you a sense of how much money is in that account and where it's expected to be spent.

Gas tax – you have this information in your packet. As she mentioned, she thinks we're

going to be at the higher end. In talking to businesses who have looked at our gas station consumption, we're in a great location for selling gas. She thinks we're going to be in the higher end of this. Great location on I-5 and frankly, there aren't a lot of easy alternatives to it. If you're a gas station, you're going to be in the City of Grants Pass. Then if you do want to pursue this you're going to need to take more time.

Priority streets – you asked her about this. This is in the packet.

So here are what look like the issues for today (reference overhead). If you want to talk about the growth thing, you can. It does give us some direction. Specifically the formula; specifically the cap. These really appear to be later discussions. They're going to take a lot more time. But to know that we will need to come back to these things.

That was it. She is going to record your comments so that we have them and you can see what she's putting up there so if she gets it wrong, if she misses it completely, let her know.

Mayor Holzinger stated what we have is a whole lot of issues and he for one resents getting packets at meetings because he can't go through them. Assistant City Manager Samson stated the information for today's meeting was handed out with our Council packet last week. That's why she put it in the Council packet because she absolutely agrees Mayor; it would be unfair to hand that out at this meeting.

Councilor Patterson stated have we discussed what the cost to the City is to administer the local improvement districts, advanced financing districts and deferred development agreements?

Councilor Richardson stated before we do that, what is the purpose of this meeting? Can we clearly define in a few words exactly why we're here?

Mayor Holzinger stated it's a discussion on the process is what he's understanding.

Councilor Berger stated her understanding the purpose of the meeting was to discuss policy on local improvement districts and if we had time then to go back and review some on advanced financing districts. She doesn't think we're going to have time for that but policies on local improvement districts because there have been objections with the new Council on how we've done them in the past.

Councilor Richardson stated are we agreed that local improvement districts should be

done and now it's just a question of arguing how they're going to be done?

City Manager Frasher stated they're currently authorized by ordinance; we're currently doing them.

Councilor Berger stated she doesn't think there is any disagreement that there is a benefit with some local improvement districts.

Councilor Richardson stated so the purpose then of this meeting is simply to take the existing ordinance and refine it?

Councilor Berger stated that may be overstating. Maybe we write a new ordinance. Maybe we don't. Personally she has some objections to current ordinance.

Councilor Richardson stated is it worthwhile putting these on, taking the newsprint and saying here's the things we like about the current ordinance; here's the things we don't like about the current ordinance and how can we fix the things that we don't like?

Assistant City Manager Samson stated actually we have something similar; it's our third or fourth one. We have opened it up to what are the issues and she tried to record those each time. That's why she tests to make sure. She thinks we're down to the issues that with the last one the only issues that people wanted to talk about were the issues of the formula and then the cap. Those were the only issues that anybody brought up the last time the workshop was held.

Councilor Richardson stated and those are still true? Assistant City Manager Samson replied yes, she thinks they are.

Councilor Richardson stated so there are really two topics. One of them is the formula by which the assessments are done.

Councilor Berger stated do not limit us right now. This is for understanding. It may broaden out but if you start to say okay we're only going to talk about these two.

Councilor Richardson stated if we're going to focus and get to a conclusion we need to be very clear on what the objective is and then we may go into other areas but if all we want to talk about is the cap and the formula, then let's confine our discussion to that and then have a separate case somewhere that says follow-on topics. That way we at least get two topics resolved.

Councilor Cummings stated he thinks it boils down to some simple questions here that we

were talking about. If we're going to be one lot is a lot, what is that cost? If we do cap it, it comes back to if we're going to cap it who is going to subsidize anything over it, that kind of thing. Also, fees and double fees. The other question that we had before was if it is a lot and we're charging a lot price then if you are able to divide the lot, what happens to the remainder so there is discussion that we need to identify how we're going to handle that. Also, philosophy. If indeed each person is responsible for their frontage part of their street with sewer, water and street curbs, gutters and sidewalks we haven't really decided if that philosophy holds true. Philosophically if we think that each lot is responsible for those, or what percentage thereof of that, priority streets and all the other kinds of zones we need to figure out how do we calculate it when it is something larger or a commercial or a flag lot that's dividable. We need to figure out formulas for all those things.

Councilor Berger stated she passed out this ordinance, this Ashland resolution, for everybody and she just did it at this beginning. She thought some of these issues were kind of addressed here and they don't say a lot is a lot. They actually divide that lot into potential units. She's expressed in the past her concern about charging for potential but that is the way they did it, have this. So they put the cap on the unit not on the lot so you could have she supposes the zoning is taken into consideration there as well. And the other thing she liked what they did, so she's concerned about the potential part but she liked, Section 1 where they addressed the City's portion and they divided it by the type of improvement, storm, sidewalk, street, engineering and all that. She's not sure what they used to come up with those percentages but when you start talking about everyone is responsible for their own curb, gutter, sidewalk, storm drain, planter strip, blah, blah, blah, she has some concerns about that because not everybody has sidewalks. And where she lives out in the Redwood area, those are really old County roads so people who live there get assessed at a much higher value than someone who lives inside the core of the City. There are plenty of streets that are in the City that will never see a sidewalk and that's just []. So she really has concerns on that philosophy that everybody is responsible because they're not responsible for the same amount.

Councilor Cummings stated he brought it up as part of the discussion. That's kind of the philosophy. He brought it up as a question.

Councilor Berger stated she knows.

Councilor Paquin stated there is one thing he'd like the City Council to discuss. He'll use his daughter who lives on Leonard Road as an example. She's going to be using Redwood Avenue and does use Redwood Avenue as much as anybody who lives on Redwood Avenue and she's not being assessed anything for the local improvement district that is making it better for her. He realizes the problem is you don't have the deferred development agreement strength to be able to do the local improvement district. He would like some kind of discussion with the City Council regarding another way or even if it's a TIF to fund part of this so that the people who really benefit from it help subsidize the cost of that. To him it's unfair to say okay, those people who live on Redwood Avenue in this area and maybe a hundred feet or whatever the formula is are the ones who are going to pay for it when in fact if you went from the fairgrounds west to Darnielle and you went from Redwood Avenue over to the river, those are the people who benefit from Redwood Avenue. Those people ought to have to pay somewhere. It makes the cost less for everybody. He doesn't have the solution for how do you do that but it could be a TIF, that's just one idea. But it's unfair to some of the costs of those people on Redwood Avenue that are on this local improvement district are absolutely beyond belief unfair in his opinion.

Councilor Kangas stated he wants to get back to Councilor Cummings' a lot is a lot. He likes a lot is a lot. But there is one problem he has and he'll give you a good example. He has over a half acre but he can't develop it. Would he be charged as a lot or what? You see that's where he has a problem.

Councilor Richardson stated she is going to refer to something that she ran across on the internet and that is the Washington State Local Improvement District Manual. It's very useful when it comes to understanding the basis for the charges. She went online and looked at various cities and how they handle local improvement districts. The one thing that we do in our formula where we say it's based on frontage foot and acreage, what ours does not take into account is the benefit associated with it adequately and it also doesn't take into account the assessed property value. We clearly have a difference in some neighborhoods because we don't have uniform zoning. We'll have a person in a trailer on a half acre who is barely surviving and you'll have a million dollar home on a city lot and you look at that and say there's a perceived fairness. But the really interesting piece was from Everett, Washington where they actually use a formula that is

based on benefit. When they form a local improvement district, they sit down and say okay, what is the value of this property today without the improvements then they are forced to come up with a number that reflects the value of that property after the improvements. That was their cautionary tale. They develop a ratio between what is the perceived benefit so that you can tell the people who are part of the local improvement district that their property values will go from this to this. In one particular example it said that for every 37¢ the people were willing to spend on their local improvement they were going to get \$1.00 back in terms of their property's value. That's difficult to do but that's what the State of Washington recommends for any of their cities. Then you multiply that number times the particular entity so that if you're sitting there with a local improvement district like Redwood that has a church, it has some commercial buildings, it has some individual homes, they allow for some variation based on the perceived value. The perceived value to the homeowner might have been significantly less than that perceived value to the business owner who now had off-street parking, now had other options. It was interesting. We limit ourselves when we just say this is only one formula and it is 50% acreage and 50% frontage. There are other ways we can do this. If we are still in that part of the discussion mode, that's almost square one. She looked at the City of Portland. The City of Portland allows the local improvement district to establish its own so that if you wish to form one, if you're a neighborhood action group, you can actually decide how you want to be charged. It can be based on the distance of the road that you're going to take advantage of. It can be based on anything as long as it satisfies some legal requirements. If we can identify what our problems are with the existing ordinances there appear to be a lot of solutions out there.

Councilor Cummings stated he's just wondering if we might start taking issue by issue. Right now the discussion that we've got going is not getting to any kind of [conclusion]. It would be nice to try to take one of these issues and try to figure it out. Maybe it's a lot is a lot. We start there. We need to start picking off items out of this that are concerns. We're not narrowing our scope down.

Councilor Renfro stated he talked to Councilor Richardson earlier about this situation in Washington. It bears looking at. It is an entirely different way of looking at it and it's worth investigating. Councilor Paquin has a good point too. The cost of these local improvement

districts, like Redwood Avenue, benefit a lot more people than just the people who front on the road. He goes out there probably two or three times a week so he's going to benefit from that nice road. Another avenue we need to look at is spreading the costs throughout the community. It's more than just the property owners. There are lot things that we need to look at.

Councilor Berger stated every time someone speaks she has something different to say. She agrees with you there too and Councilor Paquin. It certainly is questionable whether it benefits the property owner as much as they're being asked to pay. It benefits the local community. But it also benefits the entire community. She goes back to the little email she got here but it is the entire community that voted to annex let's say the Redwood area and annex in all of this inadequate infrastructure. She can see a very good argument for spreading the cost across the entire community and making it less onerous. But you do get back to identifying then where the streets that need to be upgraded and that's where we put our costs.

Councilor Wendle stated the Washington model really came about because people wished to live in a particular community. What happened there was that with a very minor setback you'll have essentially a mansion being built. People bought the lot for the tear-down value. They knew they weren't going to be living in that house. It was no longer rural. She's more familiar with Bellevue and how they deal with it. People would buy. If they had an opportunity to buy two lots next to each other they would and then they would build. That brings into actually what the value has for the person on that property. That goes back to it's not so much what the value is to the community, the community will benefit overall. But the value to the person who owns the property so that is how the assessment is made. It's determined at the planning stage when the plans are approved as to what their value will be in the future if it's going to be a local improvement district.

Councilor Patterson stated he's sorry but he cannot see himself financing the streets, sidewalks, the storm drains in the Redwood area. He paid for his sidewalks. He paid for the street improvements with the purchase of his house. If he did not have those improvements in front of his house he knew eventually he would have to because that's just the way things go. He has a real issue with the citizens of this community that have already had all these improvements financing Redwood or any other property that is annexed in. He likes somewhat the Washington model that adds on the value of the property and how much it's increased.

City Manager Frasher stated he's been in council meetings in other cities where he worked where we had these same kinds of discussions. Usually where it ended up was some sort of recognition. There is always debate about who should pay and for what kind of streets. In the end most of those other councils ended saying if it's an arterial or a collector, some classification that's high enough where most of the public at some point in their life in Grants Pass will probably use the street or facility, sidewalk, then the broader public should have some contribution. If it's purely a local residential street, they didn't. That's how they divided that. If that helps the Council reach a consensus on that one policy, that might help you get to some others.

Councilor Paquin stated Councilor Patterson, his suggestion was to look at it from the standpoint of who will immediately benefit from it. He was identifying it to say from the fairgrounds west to Darnielle and from Redwood Avenue to the river. Those people are the ones who absolutely can't go anywhere without it. He's only talking about Redwood Avenue. If it happens to be some little side street or something then that's not an issue. Redwood Avenue is a main street used by a ton of people out there and they should have to pay something rather than just have the people who live on Redwood Avenue and in the immediate area have to pay for it all. It's cost prohibitive.

Mayor Holzinger stated he stopped using Redwood Avenue when they moved Jo-Gro.

Councilor Cummings stated he's trying to figure out how to make some decisions on something or at least point us. He had a note that if we think the public is responsible for part of the lacking infrastructure kinds of things then we need to determine what percentage or what part that is. Or if it's just in collectors or arterials then we need to decide that. If all the other streets are out of the mix, let's try to get towards some sort of decision toward what we're trying to get to.

Councilor Wendle stated we had the presentation earlier about the gas tax for transportation. If we think that it should be paid for by people who are using it, it's usually tied into something like the gas tax or something where there is a means of being able to determine. Or you can count the number of trips that have been made through. Those both have to work together. If we added on to a person's tax assessment on their property, people will balk.

Councilor Richardson stated one of the advantages to using the perceived benefit proportionality is when we were at the planning meeting we talked about the Dolan issue which

has to do with proportionality. Once you can define a benefit, if you can say that by doing this local improvement district it will increase everyone's assessed valuation by some percentage, then you can get into the issue of proportionality and say alright if you're at 90%, let's say that for every 90¢ we have to spend a homeowner or the person is only going to get \$1.00 back, you have to ask yourself whether that local improvement district should even be formed in the first place. And it goes to the whole issue of is the person whose frontage is involved paying a proportionate share. If it turns out you've got an arterial, a collector, you've got something that a lot of people derive benefit from that's going to be very expensive. You very quickly get a number that tells you you've got to have a cap, you've got to come up with alternate financing because now all of a sudden instead of a percentage under 100%, you're now over 100% so that the value to the individual homeowner has been exceeded by the cost. You've got to stop. It's a very real number that people can work to.

Councilor Berger stated what has driven a lot of local improvement districts in the past has been deferred development agreements and the City's policy of counting those as "yes" votes for the local improvement districts which means these are not neighborhood driven. That's been a problem because you go into streets and say you now have a local improvement district because we already have 50% of the "yes" votes. That's a whole different situation than when a neighborhood gets together and says they want to upgrade their street. What is the value then? We really care; we want to look at this. That's been a problem. She hopes we can change that policy maybe as they come up. She would also like to give her vote once again to Councilor Cummings and to what City Manager Frasher said in that maybe we can narrow our discussion at this point, at least take a vote or can we limit the discussion to arterials and collectors as far as a broad based community support and anything neighborhood driven would be the cost would go to the neighborhood. Was she clear on that? She kind of came in it backwards. Do people agree with that or not?

Councilor Cummings stated the question is if it's neighborhood driven because again there are some of those deferred development agreements that were signed that may not be something that somebody realizes was on their title report when they bought their property.

Councilor Berger stated that's not neighborhood driven.

Councilor Cummings stated it is and it isn't. It was an agreement by the developer before anybody got involved and then somebody buys the lot and everybody says "we never read it". But that won't stand up very well in law. It's on the title report. It is something that was there. He's not really sure how to address that one. The first thing is that the system development charges that are collected for development and each one of the houses is a funding source that goes toward the oversizing for collectors and arterials now. Anything over a 50-foot right-of-way and standard curbs, gutter, sidewalks there is a provision for part of that financing. What he would say is, is it fair to say that anything that was larger than that 50-foot right-of-way, the arterial or the collector, should that be paid for by the public through system development charges and other means.

Councilor Berger stated the public isn't system development charges.

Councilor Cummings stated once the City has it it's considered the public's money. Once the City has collected system development charges from development.

Councilor Berger stated but it's not enough.

Councilor Cummings stated it's considered public money. That's all he's saying.

Councilor Berger stated okay.

Councilor Cummings stated this is a staff question he would presume. If there was a local improvement district formed, everything over 50-foot right-of-way is being paid for by the public?

[Answer inaudible]

Councilor Cummings stated so it already is existing; it already happens that way.

Mayor Holzinger stated do you want to limit it to the two items? Thumbs up, thumbs down?

Councilor Renfro stated wait a minute, let's go back. What two items specifically?

Councilor Cummings stated arterials and collectors, the public participation would be included. We would expect the public.

[Councilor Renfro's comment unclear.]

Councilor Cummings stated we already do have that; that's already the way it is. So it really isn't really a particular issue.

Councilor Berger stated she doesn't understand how it's already; what do you mean it's already the way it is? What do you mean? Already has what?

Councilor Cummings stated he needs explanation.

Councilor Berger stated oh, the oversizing part of it but she's talking about the entire upgrading of it. The necessity of doing Redwood Avenue is because it is an arterial road and it is very busy and it's highly trafficked by a whole lot more people than actually just live on Redwood Avenue. So she's talking curbs, gutters, sidewalks, storm drains, everything not just the oversizing as being a cost, at least more.

Councilor Cummings stated he'll give you an example in simple terms. If Redwood Avenue was just a standard street and it cost \$1M to build it, maybe the extra cost would be for the arterial that it is or the collector or whatever the size designation, maybe it cost \$1.5M. So what he would say is that anything over \$1M would be paid for by the public.

Councilor Berger stated and she is saying the fact that you even have to do that upgrade is because of all the traffic so it goes beyond just the oversizing but including the entire cost, at least a portion of it because people who live on Redwood Avenue are somehow different than the people who live on Brady. They can sit there next door to Redwood Avenue forever and not have the need to upgrade their road. The people on Redwood Avenue have to upgrade that road. It's a public responsibility.

Councilor Cummings stated why is Redwood Avenue any different than any other street in another area? That's the way it works in any other location in the City.

Councilor Renfro stated the way it works out though on Redwood Avenue is one of the big problems is there are a lot fewer lots and there are some big lots on that that highway and a lot of acreage on there so that the cost spread for the overall cost is a lot for some of those lots. There are huge amounts whereas in Darnielle you've got a multitude of lots so it's divided up a lot less. There is a real disparity and maybe this Redwood Avenue shouldn't have been done at this time. That's one way that he would look at it because the costs are so high. Until we can find a way to subsidize some of these projects like the arterials that are necessary then we should hold off on some of these. That's the way he would look at it.

Councilor Richardson stated why should we subsidize the...

Councilor Patterson stated the issue is ten or fifteen years ago these intersections weren't failing. Ten or fifteen years ago that road handled what was needed out there. It wasn't until the

growth that was going out there that all of a sudden the intersections were failing and the roads needed to be improved. He would have no problem saying from the fairgrounds out you're going to help subsidize these arterial growth and main streets but he can't see that a person up on Terrace ought to be subsidizing them because to be honest, he doesn't go out there very often because there is a lot of traffic out there and he has other areas that are a lot closer for him to do his business and his shopping and everything else. That didn't become an issue until the growth was out there.

Councilor Berger stated her question is did all that growth happen out there without addressing the public safety concerns. The Council in the past failed to address that, has let all that development happen.

Councilor Patterson stated County, County.

Councilor Berger stated City, City. She's done three appeals on City public safety issues in the Redwood area as City so City does bear some responsibility.

Councilor Patterson stated some but not all.

Councilor Berger stated she didn't say all.

Councilor Cummings stated this process has gone terribly wrong. When the City of Grants Pass entered the Intergovernmental Agreement with the County there should have been some rules established. There should have been expectations on what you expected. If you didn't have the improvements in then you expected that you were going to have to pay for the improvements or development should have stopped.

Councilor Berger stated right.

Councilor Cummings stated and there is no perception of any of the public to think that there is a deficiency in your property because you don't have the curbs, gutters and sidewalks. That thing, now we go ahead ten years and we got even a bigger mess and there weren't any ground rules. There is no philosophical change between real estate industry saying why would you pay \$300,000 for a 1,500 square foot house with your curbs, gutters and sidewalks and why is the market asking the same price for one that has a deferred development agreement. That's what's going on. It's not all the public responsibility. He's just saying that the ground rules never were established.

Councilor Berger stated she knows and that's where we are exactly.

Councilor Cummings stated that's exactly where we're at.

Councilor Berger stated that's why we're here just spinning and spinning and spinning.

Councilor Cummings stated the problem is we've got to get some philosophy issues figured out. In town everywhere else, Councilor Patterson's house, he probably paid for his curbs, gutters and sidewalks. He did the same the exact same thing in his house. He paid a developer for his lot; he built the house. He paid for the curbs, gutters and sidewalks in front of his house. We have to change the philosophy if that's not how we're going to do it. It's always been the philosophy that you pay for the improvements and half street section in front of your property. So we need to start from that point and throw it out the window if that's not what we're going to do.

Councilor Berger stated she's ready to throw it out the window.

Mayor Holzinger stated hindsight is 20/20.

Councilor Cummings stated hey, read the minutes from the Urban Area Planning Commission. He was there fifteen years ago. This all occurred and the minutes are pretty clear where we were going.

Councilor Berger stated when she bought her house it was County. She wasn't in need of a curb, gutter and sidewalk and suddenly the City is upon her and now she has a whole lot of neighbors. She has a whole lot of traffic on her once little quiet road. And she really fails to see why it is now her responsibility to absorb the full cost of that road improvement. She speaks for many people in Redwood when she says that. She does object to that philosophy. She'll just say it once again. The City bears some responsibility in perhaps somehow not curbing the growth or paying, making elected officials accountable so that we pay as we grow and we don't end it up here at the end of the road and just say all you guys that live there you have to pay for it because we didn't plan ahead.

Councilor Patterson stated we're saying that because he had to do it with his property. Councilor Cummings had to do it with is property. And everybody who bought a piece of property paid for the curb, sidewalks, storm drains and everything else. If you're inside the urban growth boundary you're going to end up paying your portion of that frontage. It's just the way it is. If you don't want it then move to Cave Junction or something. We all had to do it.

Councilor Kangas stated he kind of thinks what she's saying is the City should have been looking at some kind of planning before it annexed the area is kind of the drift he's getting here. If it wasn't annexed, we wouldn't be sitting here talking about it.

Councilor Wendle stated it's part of being a community member. Actually if you didn't want to enjoy the benefits of the City, people have probably moved out into a much more rural area that was not part of the urban growth boundary in which case they can make their own choices. So we're talking about whether it's City or not City but still people purchased their homes with the benefit of having the doctors, the grocery stores and everything close at hand for them to be able to enjoy. She just feels that it is part of our community responsibility to bring up to level. Whether that was your intention when you bought the home or immediately thereafter, it's one of those things when you're looking you realize that okay you're this close to the City, there shouldn't just be a drop dead point where "I no longer need to be a community partner if I don't wish to by having curb, gutter, sidewalk".

Councilor Berger stated Councilor Wendle, do you think it's fair, that woman who ended on the front page of the paper that has to pay \$46,000 for her curb, gutter, sidewalk? Do you think that is a fair thing for the community to ask of her to do that? She's not being facetious.

Councilor Wendle stated you are a bit.

Councilor Berger stated it goes to the philosophy that we're talking about here. When you do go out and find people who have a piece of acreage, then get it multiplied and it ends up being tens of thousands of dollars, that does go to the philosophy of who is responsible for that curb, gutter, sidewalk. So she's not.

Councilor Wendle stated right now she's [] community member but thinks what we're going to discuss is how we do that assessment on that piece of property which she feels are two different things.

Councilor Cummings stated Councilor Richardson talked about perceived benefits or the benefit. Actually the benefit out in the Redwood area in the early 80's was the fact that all the zoning was passed out, commercial, multifamily. The benefit to each one of the properties was the designation of zoning that was passed out. Unfortunately there was never a plan to figure out how to do any of the infrastructure. And then we go down the road, he would says it's fifteen or

sixteen years after the designated all the multifamily that was done out there, Councilor Berger's is multifamily, which that zoning designation, and he hears it all the time that the folks out there would rather have it just stay the way it is. Unfortunately when you pass out zoning in the middle of your urban growth boundary, it's not going to stay the same. So what we have to do is it's unfair to blame this current staff or the Council prior on all the problems. We need to figure out how to remedy the problem, how to pay for the infrastructure. We start by doing streets that are the priority streets. We put the priority streets there. We decide if indeed what percentage the public is going to participate in arterials. We've got to get to some conclusions.

Councilor Berger stated she'll second that.

Councilor Cummings stated we have to get to a point...

Councilor Berger stated go ahead vote on that and yes, come out with something [].

Councilor Cummings stated we're absolutely going nowhere. This is just like the other three meetings that we've already had. We can bring the Urban Area Planning Commission in. We can do this all over. We're going absolutely flat nowhere.

Councilor Berger stated she doesn't agree that we're nowhere.

Councilor Cummings stated no, we're not.

Councilor Berger stated some of this discussion needs to happen because we need to have dialogue but she also would say that we have the need to come up at this point probably with at least one concrete thing that we say okay, here's a building block.

Councilor Cummings stated we need to vote on something, get common ground and feel like we're building off of the success of something.

City Manager Frasher stated just to remind you, you have something now. The something is what we're working with that some folks think should be different. He just wanted to remind you that the something the staff has is the current ordinance. The something we're willing to do is whatever you guys can come up with.

City Attorney Woodburn stated just a reminder, you're not voting today. You're just using that word.

Councilor Berger stated no, we're not voting.

Councilor Cummings stated it's a word. We're not voting on anything.

Councilor Berger stated if we come to consensus on ...

Councilor Cummings stated we're giving a direction, a concrete direction.

City Attorney Woodburn stated he just heard the word a couple of times and thought he'd throw that in.

Councilor Richardson stated she still comes back to we have an ordinance. Each one of us, instead of depending on staff to go out and bring us some rocks, we need to bring a rock to staff. Each one of us needs to look at that ordinance and say "here's what I agree with; here's what I'd like to see changed". That would go a long way towards giving something to Assistant City Manager Samson that said at least five out of the eight or four out of the eight Councilors want to see Section 1 changed and here's what they like. We owe it to staff to do that homework and bring it back to them.

Councilor Berger stated well she hasn't seen a specific ordinance on local improvement districts and in reading the material that we have, we refer to the City Charter. She assumes when you turn to the City Charter you're referring to an ordinance. The two ordinances she has are this 4811 in 2004 and 4550 from 2002. One does speak to the philosophy that Councilor Cummings has been talking about and the other one is just, she did mark some things that she agrees or disagrees with. She kind of went around and around and around with all of this material and then she came across this resolution from Ashland and that's when she said oh, well, this to her addresses a lot of the concerns that she can't seem to come up with in all of this material which is why she copied it and why she did bring it to Council to look at. To her it's something positive and perhaps another way of looking at that. She's certainly willing to continue discussion on charging for potential if we need to. But this is what she came to offer, something along these lines and wanted to discuss that. It's just honestly a page and a half is the resolution.

Councilor Renfro stated the only trouble with that resolution is we don't know where they've come up with the extra money between the cap and what the costs are. That's where we are right now. We're coming up with all kinds of things to get the cost to the property owners down but then we haven't figured out where we're going to get that money and that's where we're lacking.

Councilor Berger stated she thinks we come up with that each time a local improvement

district comes before the City. We look at that cost and if we have a philosophy on what the City's percentage is we're going to pay then we have to look at the cost on that specific local improvement district and say okay do we have the money to do this local improvement district. That's why she keeps coming back to this idea of prioritizing. We put in the priorities; we assess the cost on all of these streets that we say are priorities and we put it down there. It's going to change; it's going to go up all the time. Then as it comes forward we say do we have the money to actually do the 50% cost or 60% cost or whatever.

Councilor Renfro stated that's the whole trouble with it though.

Councilor Patterson stated we're looking at consistency. If we start picking we're going to pay 50% of this community's local improvement districts and we're going to pay 25% of this local improvement district, we start going in...

Councilor Berger stated we already do that, Councilor Patterson.

Councilor Patterson stated we need consistency.

Councilor Berger stated we already do that.

Councilor Patterson stated we need consistency; we shouldn't.

Councilor Berger stated if you read these two resolutions, they do.

Councilor Renfro stated he was going to say we still come back to we need some extra income from somewhere. We have to generate...

Councilor Berger stated we have it.

Councilor Renfro stated that budget is already appropriated.

Councilor Berger stated for this year, yes.

Councilor Renfro stated if you're going to go at the Budget Committee you have to start picking something, some other projects.

Councilor Berger stated right.

Councilor Renfro stated as to what's more important, what's already there. You still have to come up with more money. Somewhere along the line you have to have more money.

Councilor Berger stated we do that already. We already do it with the 50%. She means on Redwood Avenue.

Councilor Cummings stated he has a question for Assistant City Manager Samson. In the

last ten years what is the average amount collected on system development charges for transportation and anything that we could go and put in the ground. Assistant City Manager Samson replied the last ten years would be hard because we haven't even had it for the last ten years but she can tell you where we are right now because that's in your packet. It is Exhibit 4 and you have it from 2006; she didn't go all the way back. In 2006 we were taking in just over \$1.5M. We've dropped some. We expect to have that slowly rebuild over time. We've got some future stuff we know. If you look on the left hand side, it's about the fourth line down; it says revenue. That's what we have been taking in during 2006. She can go back and get other numbers.

Councilor Cummings stated it would almost be double that a couple of years ago, right? Assistant City Manager Samson replied well no, we've increased it. We increased it this year so that why she's gone to 2008.

Councilor Richardson stated you can't do much for \$1.5M.

Councilor Cummings stated one project. What is the oversizing cost? Assistant City Manager Samson replied that's what you've got right here in this. You can see on Redwood Avenue, and that's about the tenth project down, Redwood Avenue local improvement district/P1 (that's first phase) the system development charge is going to be contributing \$1.2M for that project. Is that the kind of information you were looking for?

Councilor Cummings replied yes. So what that says is that you're able to finance one large project per year based on today's revenue. Assistant City Manager Samson stated system development charges.

Councilor Cummings stated anything else is going to be coming from the taxpayers or however else you might...

Councilor Berger stated what about the transportation utility fee?

Councilor Renfro stated that's for maintenance.

Councilor Berger stated only? She thinks she's seen it used for sidewalks. Assistant City Manager Samson stated you can change it. It is your option of how to do it. When we took that to the public originally we said a majority of it would go for road maintenance but that we would put a small amount each year into neighborhood safety issues and that would be sidewalks, traffic

calming and traffic signals. So we do put a little bit of it but we're up to about \$700,000 or \$800,000 on transportation utility revenue each year. She thinks we set aside about \$100,000 a year for the sidewalks, traffic calming and signals.

Councilor Richardson stated one of the things you have to keep in mind about local improvement districts is one of the reasons they exist is simply to extend the money the City has available. You can have self-generated local improvement districts from local communities. You can have local improvement districts that are generated by specific departments like the sewers or somebody create a local improvement district. Or the City Council can decide that it's in the best interest of 30,000 people that this thing happen and it may be unfortunate for a few but it derives benefits for everyone. If we shut down local improvement districts and then what happens is we just simply continue to have infrastructure issues everywhere that we can't address with \$1.5M. So some of that comes into sharing the pain by those areas that are not built up. We have to look at it in both directions as individuals but also as the community good in doing as many infrastructure projects as we can.

Mayor Holzinger asked any other discussion.

Councilor Berger stated that's it.

Assistant City Manager Samson stated she was kind of intrigued with Councilor Richardson's idea of identifying issues. Would it be helpful if we went through, and she thinks we've already done it but just to actually see it in writing, if we went through the local improvement district ordinance that we have and you can either do it or sometimes the ordinances are kind of weird to read (they aren't user very friendly) and just list here are sort of the concrete pieces in it and maybe there are ten pieces. And then make sure that the issues that we have identified so they are the issues, should we have a cap, should we have a formula, although she's still not sure; it seems we're still talking around those issues. There are still those issues that you're talking about. Maybe that would help and then suggestions of what would you like to see us do about the formula or the cap.

Councilor Berger sated you don't know where to go with this.

Assistant City Manager Samson stated she doesn't know where to go. She hasn't heard anything here. She's heard a consensus building on still trying to...

Councilor Berger stated you brought up cap and formula at the beginning of this.

Councilor Cummings stated as soon as you put a cap on a lot, the more money will be assigned to the larger lot development and commercial. So you've already gone to the other side where you thought you had some concerns there. You have to pick something. Again, it's hard to put a cap on lot development because when you get to hillsides or you get to all kinds of different kinds of issues that you might run across, it's hard to put it in a small neat little box. He just thinks that out of the fairness issue that came up with our Council discussions, especially on Darnielle was we felt a lot was a lot whether it was double sided, corner lot, its perceived benefit for that is the same as the lot next door to it that only has a frontage and what we ran aground there was \$900 charges, there were \$1,600 charges, corner lots at \$9,000 and double frontage lots were \$12,000. There was some of them that were \$12,000. So you had the range again from \$900 to like \$12,000. That was the fairness issue that we had a problem with. Now as soon as we reduced the \$12,000 or the \$9,000 one, the \$900 one is going to go up and the \$1,600 ones won't stay there but that's where the discussion, a lot is a lot. If you have a lot you can split in half, but you have a house in the middle of it (he's trying to describe Councilor Kangas' situation), if you have that situation with a current value of that, we need to look at that because the current value of the lot in the middle of the lot that you could never get a lot out of it, it's a lot. So your house burns down or you know.

Councilor Richardson stated it becomes economically feasible.

Councilor Cummings stated to wipe it out. He just thinks at the time it's also indeed a lot.

Councilor Wendle stated going back to the resolution, as an educator she just feels that if we did break it apart, if we took the resolution and we said retain this, change this, we might reach something where we're going to have talked around it. We can see where we've come to consensus. Right now we're talking about a general document and we are hop-scotching all over the place. If we can just break it apart, the existing ones, there is probably a lot we're going to retain. We keep zeroing in on the lot is a lot and seeing how we're going to arrive at those fees. Could we do that? She'd be happy to help, Assistant City Manager Samson, if you would like her help in being able to pull that apart and see if we can come to some consensus.

Councilor Berger stated she would be very happy to either we take the ordinance, you

want to give eight copies out or if you want to summarize the ordinance by point and then we can individually put our comments on it and feed it back to Assistant City Manager Samson who can look at it and say is there consensus here or not and then give it back to us. Would that be something concrete that we could do?

Councilor Patterson stated there would be issues that we all agree on and there would be issues that we have questioned. At least we'd focus our concerns.

Councilor Paquin stated that would be a good thing.

Councilor Cummings stated do we want to do that with all the, we're talking about the basic resolution but do we want to do that with the philosophical issues that we're struggling with? Each person gives comment back to staff whether it's a lot is a lot or...

Councilor Berger stated okay, if Assistant City Manager Samson wants to write up what the philosophical issues are...

Councilor Cummings stated he thinks if we addressed it then we could at least give them some sort of direction or at least...

Councilor Berger stated good idea.

Councilor Cummings stated we need to look at both aspects.

Mayor Holzinger stated is that thumbs up? [Council gave thumbs up]

Councilor Richardson stated can we do the same thing with the advance financing districts?

Councilor Cummings stated let's get one done and see how it works.

Councilor Renfro stated yes.

Councilor Cummings stated let's try to get one done.

Councilor Patterson stated he would like to compliment staff on their patience. This has to be a nightmare.

6. ADJOURN

There being no further business to come before the Council, Mayor Holzinger adjourned the workshop at 2:30 p.m.

These minutes were prepared by contract minute taker, Connie Murray.

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**WILL WEST INDUSTRIAL SITE MAJOR SITE PLAN REVIEW
APPEAL OF UAPC DECISION
FINDINGS OF FACT**

APPEAL INFORMATION:	
Procedure Type:	Type IV: City Council
Project Number:	07-30200011
Project Type:	Appeal of Planning Commission Decision
Appellant:	Jim Williams
Planner Assigned:	Scott Lindberg
Notice of Intent to Appeal Filed:	26 July 2007
Statement of Grounds for Appeal Filed:	10 August 2007
Date of Staff Report	11 September 2007
City Council Hearing Date:	19 September 2007 (Continued from 5 September 2007)
Findings of Fact	3 October 2007
INFORMATION REGARDING APPLICATION BEING APPEALED:	
Procedure Type:	Type III: Urban Area Planning Commission
Project Number:	06-20100063 and 07-30200003
Project Type:	Major Site Plan Review
Owner:	Jim & Connie Williams
Applicant:	Same
Property Address:	410 SE J Street
Map and Tax Lot:	36-05-17-34 TL 600
Zoning:	BP (City)
Size:	4.36 acres
Planner Assigned:	Scott Lindberg
Application Received:	16 November 2006
Date Complete:	9 February 2007
Date of Director's Decision:	20 March 2007
Date of UAPC Hearing:	9 May 2007 (Continued to 13 June 2007) (Continued to 11 July 2007) (Continued to 25 July 2007)
UAPC Findings of Fact:	8 August 2007

I. PROPOSAL:

The request is an appeal of the Urban Area Planning Commission's decision to affirm the Director's decision to deny a Major Site Plan Review for the construction of two industrial buildings, totaling 73,600 square feet, on SW "J" Street.

II. AUTHORITY AND CRITERIA:

Section 2.020, Schedule 2-1, Section 12.027, Schedule 12-2 and Section 2.030 of the Development Code, authorize the Director of Community Development to consider the request and make a decision to approve, approve with conditions, or deny. The Director denied the application based upon the criteria contained in Section 19.052.

Section 10.030 allows a final action of the Director to be appealed to the Urban Area Planning Commission. The Commission may affirm, amend, or reverse the final action of the Director. The Commission affirmed the Director's decision.

Section 10.050 allows a final action of the Urban Area Planning Commission to be appealed to the City Council. Unless the Council moves to hold a hearing on the record, as described in Section 10.052 of the Development Code, the Council shall hear the appeal de novo. Section 10.052 provides in part, that prior to or at the commencement of a hearing on an appeal, the Council may confine the appeal to the record of the decision of the previous review body. The Council may affirm, amend, or reverse the Planning Commission's decision.

III. APPEAL PROCEDURE:

State statute provides for an appeal of the City Council's decision to the State Land Use Board of Appeals (LUBA.) A notice of intent to appeal must be filed within 21 days of the Council's final action.

IV. PROCEDURE:

- A. An application for Major Site Plan Review was submitted 16 November 2006 and deemed complete 9 February 2007, and processed in accordance with Section 2.030 of the Development Code.
- B. Public notice of the application was mailed on 14 February 2007 in accordance with Section 2.037 of the Development Code.
- C. The Director's Decision was issued on 20 March 2007.
- D. An application for appeal of the Director's Decision was received on 27 March 2007 and processed in accordance with Section 10.032 of the Development Code.
- E. A public hearing was held by the Planning Commission on 9 May 2007 to consider the request. This hearing was continued, at the applicant's request, to 13 June 2007.
- F. The 13 June 2007 public hearing was continued at the applicant's request to 11 July 2007.

- G. Due to a power outage at City Hall, the 11 July 2007 hearing was continued until 25 July 2007.
- H. The Urban Area Planning Commission considered the request and issued an oral decision on 25 July 2007.
- I. The applicant appealed the Planning Commission's decision to the Grants Pass City Council.
- J. The Council conducted a public hearing at their 5 September 2007 meeting to consider the request. The hearing was closed but the record was kept open at the applicant's request until 19 September.
- K. The Council voted on the matter at their 19 September 2007 meeting.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the staff report, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the public hearing held by the City Council on 5 September 2007, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.
- C. The minutes of the deliberation conducted by the City Council on 19 September 2007, which are attached as Exhibit "C," summarize the oral deliberation conducted and are hereby adopted and incorporated herein.

VI. FINDINGS OF FACT:

The City Council found that based on the reasons stated in the staff report and included below, and the minutes of the public hearing, the proposal does not meet the requirements of Section 19.052 of the *City of Grants Pass Development Code*.

VII. GENERAL FINDINGS:

A. Characteristics of the Property:

- 1. Land Use Designation:
 - a. Comprehensive Plan: Business Park
 - b. Zone District: Business Park
 - c. Special Purpose District: Enterprise Zone
- 2. Size: Approximately 4.36 acres
- 3. Frontage: "J" Street
Access: "J" Street

4. Existing Public Utilities:
 - a. Water: 8" and 24" in "J" Street
 - b. Sewer: 8" main recently extended along portion of frontage
 - c. Storm: None in frontage; subject parcel fronts on Skunk Creek and proposes to use creek for storm drainage
5. Topography: More or less flat
6. Natural Hazards: None identified
7. Natural Resources: Skunk Creek and associated wetlands
8. Existing Land Use:
 - a. Subject parcel: Vacant
 - b. Surrounding:
 - i. East: Masterbrand Cabinets
 - ii. West: Light industrial
 - iii. North: Light industrial
 - iv. South: Masterbrand Cabinets

B. Discussion:

The subject property, tax lot 600, is located on the south side of Southwest "J" Street on the site of the former Southern Oregon Plywood mill. The mill closed in 1989 after 40 years in business. The mill and related equipment was dismantled in 1997 and subsequently became part of the State of Oregon Department of Environmental Quality Cleanup program. In May 2005 the State and the property owner entered into a voluntary cleanup agreement to obtain a no further action determination. In July of 2005, approximately two feet of clean fill was added to the site and the DEQ removed the site from its cleanup list in March 2006. In 2005 the applicant applied (Project # 05-20100050 and 05-30100036) for mini-warehouse buildings to be constructed on the site. The application was conditionally approved by the Urban Area Planning Commission in January of 2006, but the applicant never constructed the approved plan. The applicant has not formally withdrawn that application and has received an extension to January 11th 2008 to obtain a Development Permit before the approval expires.

The application denied by the Director, and subsequently affirmed by the Urban Area Planning Commission, is for the construction of two single story buildings that will be used for manufacturing and storage. Building A will have a total of 33,600 square feet, half of which will be used for manufacturing. Building B will have a total of 42,000 square feet, half of which will be used for manufacturing. The specific manufacturing use is not specified by the applicant.

Submitted with the original application was a Traffic Impact Analysis conducted by RDK Engineering that analyzed the impacts of the development on area intersections. *Note: Complete TIA is available for review in the Planning Office.* The traffic counts show that the intersection of Mill and "M" Streets is currently operating at a Level of Service (LOS) "D" and will degrade to LOS E with the build out of the development. Section 27.121 of the *City of Grants Pass Development Code* mandates that all intersections in the City

operate at a LOS "D" or better. The intersection of Mill & "M" will fail with the construction of the project with an additional 8 vehicle trips through the intersection during the PM peak hour. This failing intersection caused the Director to deny the request for Major Site Plan Review as it does not meet Criteria 2 and 9 of criteria for approval of a Major Site Plan Review. Criterion 2 requires that the proposed development comply with all aspects of the Comprehensive Plan, part of which is the Master Transportation Plan, which provides the minimum threshold for intersection service. Criterion 9 requires that the proposal mitigate all on and off-site traffic concerns.

VIII. FINDINGS OF FACT -- CONFORMANCE WITH APPLICABLE CRITERIA:

• 19.052: MAJOR SITE PLAN REVIEW

Section 19.052 of the Grants Pass Development Code states that the review body shall approve, approve with conditions, or deny the request based upon the following criteria:

CRITERION (1): Complies with applicable development standards: Base standards of zoning district, special development standards, residential development standards, or standards as previously approved under the provisions of an optional development plan or other approved permit.

City Council Response: Satisfied. The proposed development complies with all the Business Park zoning requirements of Section 12.300 of the Code. The proposed buildings meet the required front yard setback for the zone and do not exceed the height requirements of the zone. The proposed development covers 85% of the parcel with impervious material; however there is no maximum lot coverage restriction in the BP zone.

CRITERION (2): Complies with applicable elements of the Comprehensive Plan, including: Traffic Plan, Water Plan, Sewer Plan, Storm Drainage Plan, Bicycle Plan, and Park Plan.

City Council Response: Not Satisfied. Aforementioned, the proposed development impacts the intersection of "M" and Mill Streets which is currently operating at a Level of Service (LOS) "E." Policy 1.2.1 of the 1997 Grants Pass Urban Area Master Transportation Plan stipulates that a LOS "D" or better must be maintained for all arterial and collector streets. The traffic study submitted by the applicant shows that the development will further negatively impact the "M" and Mill intersection. Even the installation of additional lanes dedicated solely to turning traffic will not bring the intersection to a LOS "D" or better.

In addition, the site also has no sewer nor does it have any storm drainage facilities abutting the parcel in "J" Street. The Storm Drain Master Plan shows a twelve inch storm drain along the "J" Street frontage. Since the sewer main in the area is very shallow, the applicant has extended the sewer main west along a small portion of the frontage that was practically feasible. The applicant is responsible, however, for the remainder of the frontage of the parcel; this will have to be accommodated through the

Deferred Development Agreement process. The requirement for a storm drain was waived by the City Engineer when it was determined that the topography of the site was not conducive to the implementation of the Master Plan in this location.

Additional Discussion:

Traffic: As the applicant's submitted TIA illustrates, the intersection of Mill and "M" currently meets the minimal LOS "D" threshold. However, with additional background traffic, the current service level of the intersection will degrade to "E" during the construction phase of the project and will remain at "E" with the additional trips added by the development. The development will serve to further degrade the intersection as it sends additional trips through an already failing intersection.

Submitted with the application are specific grounds for appeal signed by the applicant. The applicant alleges that to not approve the submitted site plan is contrary to Oregon Revised Statute (ORS) 197.522, which states:

"A local government shall approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land that is consistent with the comprehensive plan and applicable land use regulations or *shall impose reasonable conditions on the application to make the proposed activity consistent with the plan and applicable regulations.* A local government may deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through the imposition of reasonable conditions of approval." (Emphasis added.)

The appellant alleges that the City *must* issue permits for development of land within the UGB that meets the requirements of the Comprehensive Plan, although the ORS statute cited is specifically for procedures that must be followed after the adoption of a moratorium pursuant to ORS 197.505-197.540. The City of Grants Pass has not adopted a moratorium on development and it is not appropriate to cite and use ORS 197.522 in this case when the City is not under a moratorium for development.

Overlooked by the appellant is ORS 197.175 (2d):

"Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall: If its comprehensive plan and land use regulations have been acknowledged by the commission, make land use decisions and limited land use decisions *in compliance with the acknowledged plan and land use regulations...*" (Emphasis added.)

It is true that the *use* proposed by the appellant is consistent with the Comprehensive Plan and is a permitted use in Section 12.027 of the Development Code. However use is only a portion of concerns that the Comprehensive Plan considers. Adopted into the Comprehensive Plan in 1997 is the *Grants Pass Urban Area Master Transportation Plan* that prioritizes maintaining the existing transportation network at acceptable standards.

To implement this particular priority, the Development Code requires that the minimum standard of LOS D be met and maintained throughout the UGB.

The inference the appellant takes from ORS 197.522 is generally correct: IF a proposed use meets the requirements of the Comprehensive Plan, the review body must approve the application along with any necessary conditions of approval that will bring the site into compliance with applicable requirements for development. However, with application 06-20100063, the Director found, and the Planning Commission affirmed, that Criteria 2, 3, 5, 7, and 9 were not met with the submitted site plan. Criterion 2 requires the proposal to meet the requirements of the Comprehensive Plan and additional Plans that are part of the Comprehensive Plan; Criterion 9 requires the proposal meet the requirements of Article 27, which is where the traffic element of the Comprehensive Plan are codified. The other Criteria *generally* are met through specific conditions of approval. The proposal **IS NOT** in compliance with all applicable portions of the Comprehensive Plan. Since Criteria 2 and 9 cannot be met with conditions of approval and these two criteria are not satisfied, other Criteria cannot be conditionally satisfied.

Sewer and Storm Drain: Since the original application date, the applicant has entered into a Developer Installed Agreement (DIA) for the partial installation of a City sewer main along the "J" Street frontage. Since the sewer main in the area is very shallow, the applicant has extended the sewer main west along a small portion of the frontage that was practically feasible. In addition, the site also has no storm drainage facilities abutting the parcel in "J" Street. The Storm Drain Master Plan shows a twelve inch storm drain along the "J" Street frontage. The requirement for a storm drain was waived by the City Engineer when it was determined that the topography of the site was not conducive to the implementation of the Master Plan in this location.

CRITERION (3): Complies with all other applicable provisions of this Code, including off-street parking, landscaping, buffering and screening, signage, environmental standards, and Special Purpose District standards.

City Council Response: Not Satisfied. Submitted with the application is a conceptual landscape plan that nearly satisfies the requirements of §23.032. Also shown on the submitted plan is ample parking that exceeds the minimum requirements of the Code; however the parking area is not landscaped in accordance with §23.035. No signage is shown on the submitted site plans but would be reviewed under a separate sign application.

CRITERION (4): Potential land use conflicts have been mitigated through specific conditions of development.

City Council Response: Not Applicable. The subject parcel is zoned Business Park as are all the adjoining properties. The proposed project, therefore, must not provide additional mitigating provisions as a condition of approval of the application. Furthermore, land uses on adjacent properties are of a similar industrial nature and there is no conflict created.

CRITERION (5): Adequate basic urban services are available, or can be made available by the applicant as part of a proposed development, or are scheduled by the City Capital Improvement Plan.

City Council Response: Not Satisfied. The parcel is currently served by public water in "J" Street. Public sewer is approximately sixty (60) feet east in the "J" Street right-of-way but is not presently planned for extension as part of any capital projects. Property owners are responsible for infrastructure along their frontage at the time of development. However, the property owner is able to sign a Developer Installed Agreement (DIA) at any time to install sewer along a portion of the frontage which would serve development on the parcel. Sewer depth issues exist in the area that would prohibit the applicant from full sewer extension along the "J" Street frontage, so the property owner would only be able to extend sewer across a portion of the frontage. Future extension for the remainder of the frontage would have to be accommodated through a Deferred Development Agreement (DDA) and cash deposit, which is typically signed as a condition of site plan approval.

Additional Discussion: Since the original application, the applicant has extended a City sewer main westerly along the "J" Street frontage for as far as feasibly possible. This will serve the parcel if developed.

CRITERION (6): Provision of public facilities and services to the site will not cause service delivery shortages to existing development.

City Council Response: Satisfied. The proposed development will not cause delivery shortages to surrounding properties.

CRITERION (7): To the extent possible, identified significant resources, such as intermittent and perennial creeks, stands of pine, fir, and oak trees, wildlife habitats, historic sites, and prominent land features have been preserved and designed into the project. Alternatives shall be considered and the proposal shall represent the most effective design to preserve these resources.

City Council Response: Not Satisfied. The site currently has no significant trees. However, Skunk Creek flows along the western edge of the property and is a significant natural resource on the parcel and is subject to stream corridor setbacks of §24.341. This section requires that no development occur within twenty (20) feet of the top of the stream bank so that riparian habitat may be protected. The applicant is proposing additional development within the Skunk Creek stream corridor in the form of pavement and parking, which is proposed to be within ten feet of the top of stream bank. The aforementioned Code section permits only structures pertaining to access to the water to be located within the stream corridor setback. A variance to stream corridor setback was granted for the installation of a fence with application 05-20100050 and 05-30100036. This approval does not carry from one application to another.

CRITERION (8): The characteristics of existing adjacent development have been determined and considered in the development of the site plan. At a minimum, special design consideration shall be given to:

1. Areas of land use conflicts, such as more restrictive use adjacent or across the street from proposal. Mitigate by orientating business operations away from use, additional setbacks, screening/buffering, landscaping, directing traffic away from use.
2. Setbacks. Where existing buildings are setback deeper than required by Code, new setbacks to be compatible.
3. Building Size and Design. Existing surrounding architecture and building size to be considered to insure compatible scale and balance to the area.
4. Signs. New signs shall not block primary view to existing signs, and shall be sized consistent with Code or existing signs, whichever is less.
5. Lighting. Exterior lighting shall not impact adjacent development or traveling motorists.

City Council Response: Satisfied. As mentioned under Criterion 4 above, no conflicts with surrounding development will occur as a result of this development. It also meets the general setbacks of the surrounding sites. All signs must be reviewed under a separate sign application and all lighting must be directional and non-glaring.

CRITERION (9): Traffic conflicts and hazards are minimized on and off site, as provided in Article 27.

City Council Response: Not Satisfied. The submitted traffic study indicates that with or without the proposed project, the Mill and "M" Street intersection is at LOS "E" which is below the threshold for service within the Urban Growth Boundary. The project will invariably add trips through the already failing intersection and the mitigation measure proposed to solve the intersection failure at Mill and "M" Streets will not bring the intersection into compliance with the Code.

Additional Discussion: This criterion implements the requirements of the Traffic Plan as it is incorporated into the Comprehensive Plan. Codified within Section 27.121 (2) is the basic level of service that must be met within the Urban Growth Boundary, which is designated as LOS D. The submitted traffic study indicates that the current LOS for the intersection is "D". With additional background traffic during the time of construction of the project, the intersection will degrade to an "E" and with the additional traffic generated by the development, will continue to operate at LOS "E".

The appellant argues that the intersection failures at Mill & "M" fall outside the requirements of the Development Code and that approval of the submitted site plan will "have no significant impacts on the intersection and is consistent with Oregon Court of Appeals precedent." It is important to note that the verbiage "no significant impact" is not found in the Development Code or the Transportation Plan as the Code and the Plan set a minimum threshold under which the traffic network must work. The City has forwarded the applicant's TIA to John Replinger, PE, of David Evans and Associates of Portland. Mr. Replinger concluded that the data and assumptions made by the applicant's engineer is sufficient but that the conclusion drawn that impact is insignificant is more subjective than Code allows. The City is in receipt of an additional TIA for a proposed zone change for the former Timber Products mill site on Mill Street. This TIA shows that the intersection of Mill & "M" streets to operate at a LOS "C." The methods used to

reach this conclusion have been questioned by Mr. Replinger and staff. The TIA is being reevaluated.

Staff has examined this code provision in great detail over the past few weeks. City staff sought a professional interpretation of Section 27.121(2) by a traffic engineer in order to compare staff's use and interpretation of the section with that of a professional in the field. Staff took a strict interpretation of the section in that if one movement (for example, the left turn movement) in an intersection was below Level of Service "D" then the project did not meet the standard and it was recommended for denial. The City's traffic consultant hired to interpret the section indicated that this maybe was too strict of an interpretation. It was recommended that for signalized intersections the overall HCM Level of Service be used and for unsignalized intersections the Approach LOS be used. If this new interpretation is used, the proposed development still does not meet standards, as the approach LOS for Mill and "M" is E for the year 2008 under the no-build scenario. Memorandum 55 reiterates that staff will enforce Section 27.121 (2) and will deny projects that have intersections below Level of Service "D".

The appellant's argues that the denial is based on city policy as outlined in Council Memorandum No. 55. Council Memorandum No. 55 informs the Council of the requirements of the Development Code and indicates to the Council how staff will decide or issue recommendations for decision. Section 27.121(2) sets a threshold for which all intersections must operate.

CRITERION (10): If phased development, each phase contains adequate provisions of services, facilities, access, off-street parking, and landscaping.

City Council Response: Not applicable. There will be no phasing.

CRITERION (11): There are adequate provisions for maintenance of open space and other common areas.

Staff Response: Not Applicable. The application is not a multifamily development or Planned Unit Development. The open space provisions of the Code do not apply.

CRITERION (12): Internal circulation is accommodated for commercial, institutional, and Office Park uses with walkways and bikeways as provided in Article 27.

Staff Response: Not Applicable. The application does not require internal walkways or bikeways to satisfy the requirements of Article 27.

CRITERION (13): If the property contains existing nonconforming use or development to remain, the application and the Review Body's decision shall also be consistent with the provisions of Article 15, including any additional standards, relief from the Code, or conditions imposed.

City Council Response: Not Applicable. The site is a brownfield which has been cleared of all structures. Nothing remains that could be construed as non-conforming.

IX. DECISION AND SUMMARY:

The City Council **AFFIRMED** the Planning Commission's decision and **DENIED** the proposal. The vote was 3-2-3 with Councilors Kangas, Patterson, and Wendle, approving, Councilors Renfro and Cummings opposed, and Councilors Berger, Paquin, and Richardson abstaining.

X. FINDINGS APPROVED BY GRANTS PASS CITY COUNCIL this 3rd day of October 2007.

Mayor Len Holzinger

T:\CD\PLANNING\REPORTS\2007\07-30200011 Will-west CC Appeal.sbl
CGAP/sbl
28 August 2007

REDWOOD PARK DEVELOPMENT ADVISORY COMMITTEE

Meeting Minutes ❖ August 28, 2007, 3:30 P.M.
Municipal Building – Courtyard Conference Room

COMMITTEE:

Members Present:

Denver Huff, Chair
Jim Fletcher
Nancy Klapatch
Cliff Kuhlman
Jocelyn Richardson

Stephen Pylant, City Liaison
Phil Paquin, Council Liaison

Members Absent:

Ferris Simpson, Co-Chair
James Lowe
Ed Morey
Mark Olsson

Phil Paquin

I. Business:

A. Approval of Minutes

1. Minutes approved.

B. Phase II

1. Update on Grading – No update at this point.
2. Update on Dog Park
 - a) Liability Issues – Tabled – Jeff not in attendance.
 - b) Miscellaneous
 - (1) No one picks up after their dogs, currently. Nancy talked to Bruce Galloway in Medford and they have the same problem. Per Stephen, dog pods and signs will help.
 - (2) Per Stephen, Kennel Club has interest in a dog park. Positive feedback received from a couple of local veterinarians.
 - (3) Per Denver, a dog park is a decision that should be made by the City due to liability issues.
 - c) The Committee does not want to finance. If an organization steps up to finance and maintain, then it will be considered.

C. Elks Impact Grant – Status of Application

1. Application submitted. Receiving over two years is fine.
2. Application was for \$8,000 for a gazebo and \$2,000 for concrete pads under the park benches.

D. Funding

1. Press Releases, PSA's for Volunteers, Donations, Sponsorships – Not discussed.
2. Alumni Circle – Not discussed.
3. Budget and Project Monies Available
 - a) \$155,000 for FY08. Approximately \$14,000 to \$17,000 from FY07.
4. Donation Suggestions
 - a) Denver Huff is meeting with persons for advice. After that meeting, he and Ferris will seek donations. Merchant donations will be sought.

E. The Park

1. Tree House Status – gone for two months.

II. New Business

A. Basketball court discussed.

B. Tree Trimming

1. Mountain Branch Tree Service will perform the work. They will cut the dead out, do some shaping, and lifting. City will pay their invoice.

C. Standing Water

1. The Liquid Ambers have some standing water. Other than that, there is none.

D. Park Hours

1. Bathrooms are opened at 8 AM and locked at 10:00 PM. Signs are recommended.

E. Wells

1. Quinn's abandoned got the 10" well. Coleman is supposed to do the other.

F. Trees

1. Replaced a couple of trees.

G. Fence

1. Northeast corner. Fence belongs to mobile home park. Fence could be improved. Fence is open on property where a gentleman would not grant an easement.

H. Daffodils

1. A citizen would like to plant approximately 100 daffodils in the park.

III. Next Meeting: September 25, 2007

Resolution to withdraw the Resolution of Intent
for the Advance Financing District for Jameekay
Item: Lane in Grace Garden Estates

Date: October 3, 2007

RECOMMENDED ACTION:

It is recommended the Council withdraw the Advance Financing District for Jameekay Lane in Grace Garden Estates.

PROCEDURE:

Follow procedure for a Resolution.

BACKGROUND:

Staff recommends that Council withdraw the resolution of intent for an Advance Financing District for Jameekay Lane in Grace Garden Estates, Resolution 5038 (Exhibit A). This project's site plan changed after the Advance Financing District application was submitted. Jameekay Lane was removed from the updated site plan therefore eliminating the need for the District.

Attached is a letter from Copeland Paving, Sand & Gravel requesting withdrawal of the District (Exhibit B).

COST IMPLICATION:

None.

ITEM: 5.f. RESOLUTION TO WITHDRAW THE RESOLUTION OF INTENT FOR
THE ADVANCE FINANCING DISTRICT FOR JAMEEKAY LANE IN
GRACE GARDEN ESTATES

RESOLUTION NO.

**RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS FOR
WITHDRAWAL OF RESOLUTION OF INTENT TO FORM AN ADVANCE
FINANCING DISTRICT FOR JAMEEKAY LANE IN GRACE GARDEN ESTATES.**

WHEREAS:

1. Certain water, sewer, storm drain, and street improvements in Jameekay Lane were proposed for the new subdivision, which would have benefited properties heretofore not served by these public improvements; and
2. Pursuant to Ordinance No. 4501 of the City of Grants Pass, adopted the 2nd of January, 1984, and as amended by Ordinance 5140, adopted the 3rd of July, 2002, the City Council hereby determined the improvements be recognized as an Advance Financing District and that a portion of the costs thereof were reimbursable by those properties to be specifically benefited by said improvement.
3. An updated site plan for the development was submitted which removed Jameekay Lane therefore eliminating the need for the District.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass to direct staff to withdraw the Resolution of Intent to Form the Advance Financing District for Jameekay Lane in Grace Garden Estates.

EFFECTIVE DATE of this Resolution shall be immediate upon its passage by the City Council and approval by the Mayor.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 3rd day of October 2007.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of October, 2007.

Len Holzinger, Mayor

ATTEST:

Date submitted to Mayor: _____

Administrative Services Director

Approved as to Form, Kris Woodburn, City Attorney: _____

KLW

2

RESOLUTION NO. 5038

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS OF
INTENT TO FORM AN ADVANCE FINANCE DISTRICT FOR JAMEEKAY LANE
IN GRACE GARDEN ESTATES.**

WHEREAS:

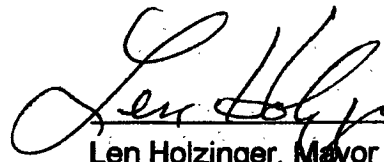
1. Certain water, sewer, storm drain, and street improvements in Jameekay Lane are proposed for the new subdivision, which will benefit properties heretofore not served by these public improvements; and
2. Pursuant to Ordinance No. 4501 of the City of Grants Pass, adopted the 2nd of January, 1984, and as amended by Ordinance 5140, adopted the 3rd of July, 2002, the City Council hereby determines the improvements be recognized as an Advance Finance District and that a portion of the costs thereof are reimbursable by those properties to be specifically benefitted by said improvement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass to direct Staff to prepare the Ordinance to form an Advance Finance District after the public improvements are installed and costs are finalized for Jameekay Lane in Grace Garden Estates.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 16th day of November, 2005.

EFFECTIVE DATE. This resolution shall be effective immediately upon its passage by the City Council and approval by the Mayor.

SUBMITTED to and Approved by the Mayor of the City of Grants Pass, Oregon, this 18 day of November, 2005.



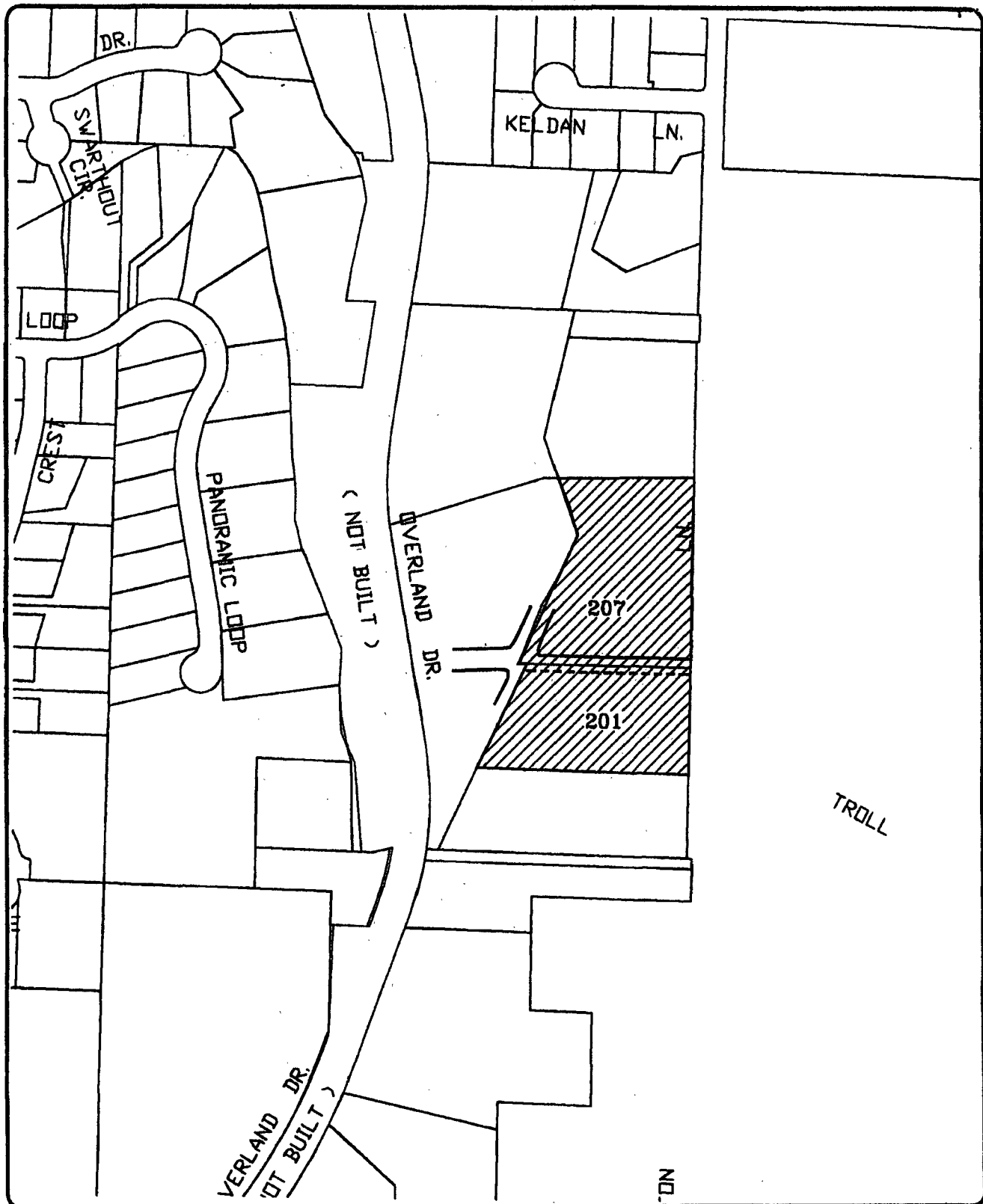
Len Holzinger, Mayor

ATTEST:



Joanne M. Steung
Administrative Services Director

Date submitted to Mayor: 11/17/05



City of
Grants Pass

DATE 11-3-05
DWN FMS
DES _____
REV _____

City of Grants Pass
Jameekay Lane (Grace Garden Estates)
Water, SS, SD & Street AFD
CC 4865
EXHIBIT "A"



000297

**JAMEEKAY LANE
GRACE GARDEN ESTATES
ADVANCED FINANCING DISTRICT
CC4887**

Exhibit "B"

PROPERTY OWNER	MAP & TAX LOT #/	FRONT FOOTAGE	ACRGE	TOTAL AMOUNT	TOTAL EST. REPAYMENT
Hurst, Larry & Heather 2440 Hamilton Lane Grants Pass, OR 97527	38-05-28-30/201	367.84	2.29	\$39,600.78	\$39,600.78
Kirk Chapman Construction LLC & Copeland, Robert & Ausland, Steven 1225 Grays Creek Road Grants Pass, OR 97527	38-05-28-30/207	383.05	3.04	\$46,533.22	\$0.00
TOTALS		750.89	5.33	\$86,134.00	\$39,600.78

Total Estimated Project Cost **\$86,134.00**

Proposed Adv. Financed Amt. **\$39,600.78**

1/2 cost to Frontage	57.35	\$/FF
1/2 cost to Acreage	8080.11	\$/Ac

000 298



COPELAND PAVING, INC.; COPELAND SAND & GRAVEL, INC.

695 SE J Street; Grants Pass OR 97526-3271
Office Phone 541-476-4441; Office Fax 479-4881
CCD#104628; CCB16480

August 9, 2006

City of Grants Pass
101 NW A Street
Grants Pass, OR 97526

To Whom It May Concern:

I would like to withdraw the AFD (resolution no: 5038) for water, sewer, storm drain and street improvements in Jameekay Lane due to the fact it no longer exists.

Thank you

A handwritten signature in black ink, appearing to read "Bob Copeland". The signature is fluid and cursive, with a large, sweeping "B" and "C".

Bob Copeland

Resolution requesting the City Council adopt
the Strategic Plan for the Grants Pass Department
Item: of Public Safety.

Date: October 3, 2007

RECOMMENDED ACTION:

It is recommended the Council adopt the Public Safety Strategic Plan.

PROCEDURE:

Follow the procedure for a Resolution.

BACKGROUND:

The Grants Pass Department of Public Safety (GPDPS) had no formally adopted strategic plan. In 2006 and 2007, GPDPS retained the services of Matrix Consulting Group of Palo Alto, CA and a strategic planning process was completed. On June 11, 2007, GPDPS Command Staff and Matrix Consulting provided a comprehensive presentation to Council at a Workshop.

At the time the Matrix presentation took place, GPDPS was unaware that 'formal' adoption by Council occurs for all strategic plans. This resolution completes the step of having Council formally adopt the GPDPS Strategic Plan.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council goal of **MANAGEMENT** by providing appropriate short and long-term planning for this critical community service.

COST IMPLICATION:

The financial impacts for various recommendations in the plan range from "no cost to significant cost." Implementation of recommendations within the Strategic Plan that have significant budgetary impact will be included in future GPDPS budgets.

ITEM: 5.g. RESOLUTION REQUESTING THE CITY COUNCIL ADOPT THE
STRATEGIC PLAN FOR THE GRANTS PASS DEPARTMENT OF
PUBLIC SAFETY.

RESOLUTION NO.

**RESOLUTION REQUESTING THE CITY COUNCIL ADOPT THE STRATEGIC PLAN
FOR THE GRANTS PASS DEPARTMENT OF PUBLIC SAFETY.**

WHEREAS:

1. The Grants Pass Department of Public Safety has a Strategic Plan completed by Matrix Consulting Group; and
2. The Grants Pass Department of Public Safety plans to utilize this document as a "guide" to providing police, fire/rescue, emergency medical and support services; and
3. The use of a Strategic Plan to guide future public safety services will provide residents and visitors to our community with efficient and effective Public Safety services.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

The Grants Pass Department of Public Safety Strategic Plan completed by Matrix Consulting Group in spring of 2007 is adopted as the primary guiding document to assist public safety managers in providing police, fire/rescue, emergency medical and support services to the community.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 3rd day of October, 2007.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of October, 2007.

Len Holzinger, Mayor

ATTEST:

Administrative Services Director

Date submitted to Mayor: _____

Attest as to Form, Kris Woodburn, City Attorney

KLW